

STATE OF COLORADO
PRIVACY AND SECURITY PLAN

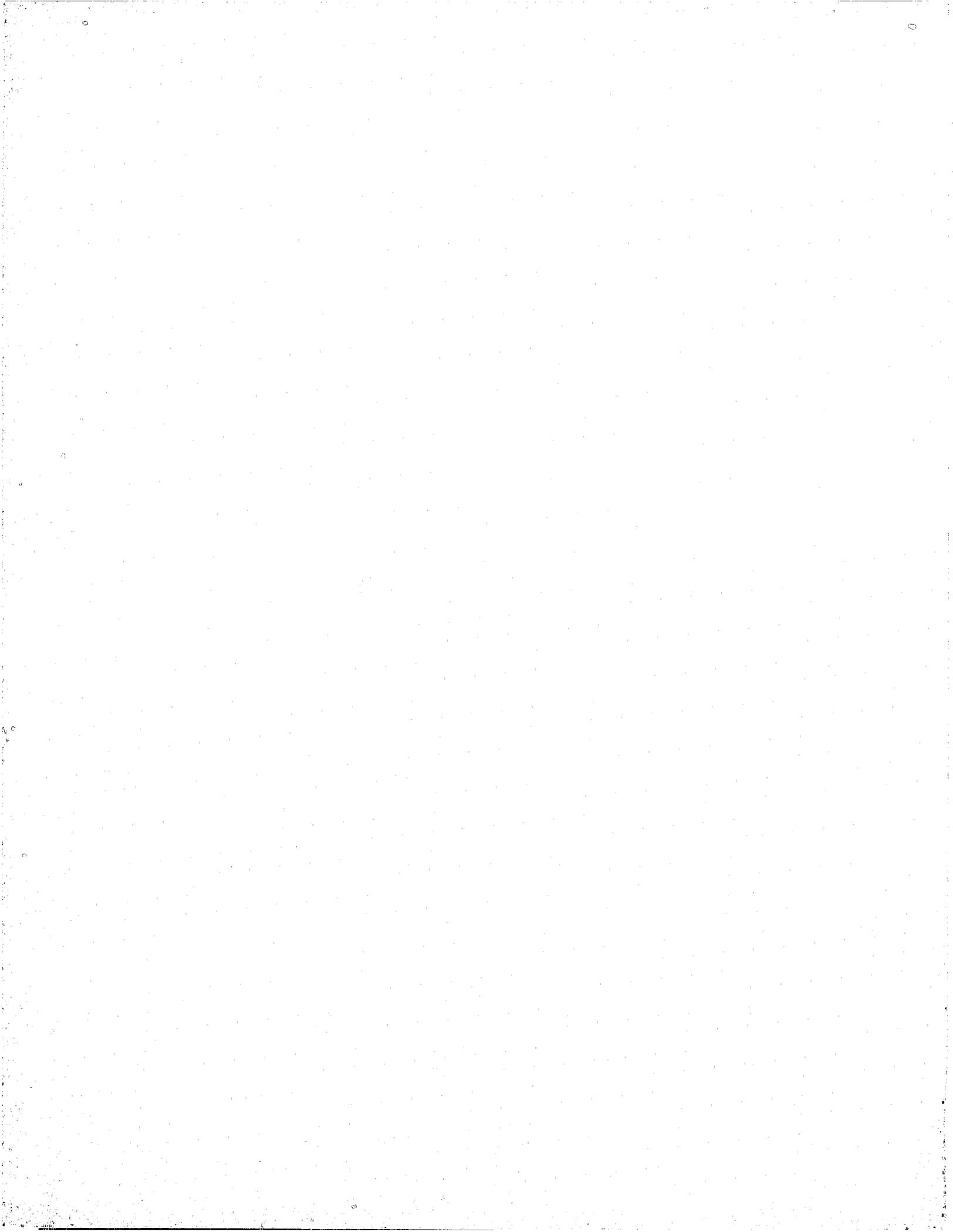


Department of Local Affairs
Division of Criminal Justice
Statistical Analysis Center

June 1976

This report was prepared under
Law Enforcement Assistance Administration
Grant No. 76-TA-99-6004

43508



OCT 18 1977

PREFACE

ACQUISITIONS

This document presents Colorado's plan for implementing the federal regulations on Privacy and Security as stated in Part 20 of Chapter 1 of Title 28 in the Code of Federal Regulations. This plan while not a detailed design, presents the various points of compliance and the general approach for achieving compliance, the target date for accomplishing each task and the responsible agency.

The Colorado Bureau of Investigation, by being designated the central state repository, is substantially involved in all facets of the regulations. CBI will be the focal point for implementation and compliance. However, criminal justice agencies in Colorado should study this plan to identify action necessary to comply with the regulations.

This plan is the result of contributions from Colorado criminal justice agencies, various governmental representatives and interested citizens. Through a series of workshops and meetings held throughout the state, a number of problems, suggestions and comments were received. Taking these inputs, the regulations and the instructions, the Statistical Analysis Center of the Division of Criminal Justice prepared the plan with the aid of contractual assistance provided by the San Francisco office of Planning Research Corporation. Drafts of the plan were thoroughly reviewed, discussed and where

necessary modified by the state Criminal Justice Information Systems Advisory Committee.

The SAC and the Advisory Committee have been designated as the organization to oversee and monitor the implementation of the tasks that remain to be completed in order for the state to comply with the Federal Regulations.

It should be noted that while the Advisory Committee is in agreement with the overall thrust of the Colorado Plan, several concerns were expressed by the committee in regard to various aspects of implementation, not the least of which is the potential impact on counties and municipalities within the state. The committee cannot fully support some requirements of the Federal Regulations insofar as individual criminal justice agencies' operations are affected. Some of these requirements pertain to query before dissemination, routine dissemination logging, access and review procedures, annual audits and limitations on dissemination.

The Committee anticipates a vital need to make periodic revisions to the plan throughout the implementation process based upon further interaction by affected parties.

CRIMINAL JUSTICE INFORMATION SYSTEM ADVISORY COMMITTEE

Gray Buckley
Agent in Charge
Crime Information Section
Colo. Bureau of Investigation

Chief Edward Pinson
President
Colorado Chiefs Association
Wheatridge Police Dept.

Runall Canady
Director
Division of Communications

Gerritt J. Pon
Chief, Research & Statistics
Division of Criminal Justice

Robert Deandrea
Citizen

Maj. Kenneth H. Powell
Colorado State Patrol

William F. Hafstrom
Systems Analyst
Denver Anti-Crime Council

Norman D. Riney
Citizen
Denver Water Department

John Hornbeck, Chairman
1st Asst. Attorney General
for Criminal Justice
Organized Crime Strike Force

Capt. Chuck Robertson
Chairman
CCIC Working Committee

Sheriff Virgil F. Mason, Sr.
President
Colorado Sheriffs Association
San Juan Co. Sheriffs Office

Jack F. Smith
Juvenile Justice Coordinator
Judicial Department

Norma Phillips
Chief, Research and Planning
Division of Corrections

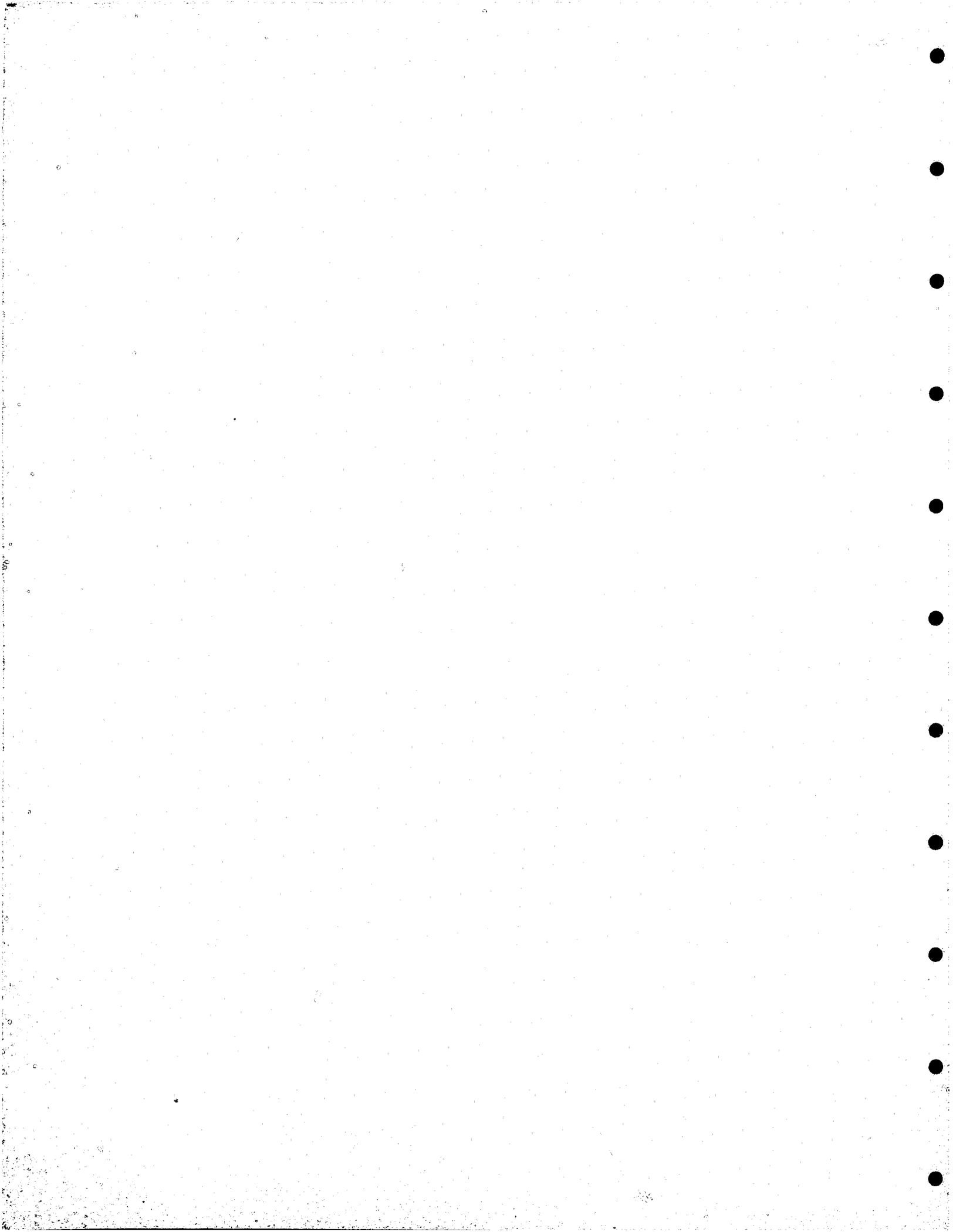
Robert Yackel
Principal Systems Analyst
Division of ADP Services

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
I	INTRODUCTION	1-1
II	CENTRAL STATE REPOSITORY	2-1
III	COMPLETENESS AND ACCURACY.	3-1
IV	LIMITS ON DISSEMINATION.	4-1
V	AUDITS AND QUALITY CONTROL	5-1
VI	SECURITY	6-1
VII	INDIVIDUAL RIGHTS OF ACCESS AND REVIEW	7-1
VIII	IMPLEMENTATION PLAN.	8-1

LIST OF EXHIBITS

<u>Exhibit</u>		<u>Page</u>
1-1	The Colorado Judicial System Process. . . .	1-7
1-2	Stat Court Administrator's Office. . . .	1-8
1-3	Division of Correctional Services Organizational Chart.	1-11
1-4	State of Colorado Court Information System.	1-15
1-5	The CCH System Concept.	1-17
8-1	Work Schedule	8-7



Section 1

INTRODUCTION

The privacy and security of criminal history record information has been one of the major contemporary issues facing criminal justice practitioners, elected officials, academicians, and citizens. A number of documents and reports on this subject were produced by Project SEARCH¹ (sponsored by the Law Enforcement Assistance Administration). Additional impetus was received through the National Advisory Commission on Criminal Justice Standards and Goals report on "Criminal Justice Systems" which devoted a chapter to privacy and security². These national standards were incorporated in The Colorado Commission on Criminal Justice Standards and Goals³, some have already been ratified by the State Council on Criminal Justice.

The U.S. Congress enacted 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, Pub. L. 93-83, 87 Stat. 197, 42 USC 3701, *et seq.* (Act), 28 USC 534, and Pub. L. 92-544, 86 Stat. 1115. These sections directed the U.S. Department of Justice through the Law Enforcement Assistance Administration (LEAA) to establish certain regulations for the collection,

¹Project SEARCH. Security and Privacy Considerations In Criminal History Information Systems. Technical Report No. 2. Sacramento: California Crime Technological Research Foundation, July 1970.

Project SEARCH. A Model State Act For Criminal Offender Record Information. Technical Memorandum No. 3. Sacramento: California Crime Technological Research Foundation, May 1971.

Project SEARCH. Model Administrative Regulations For Criminal Offender Record Information. Technical Memorandum No. 4. Sacramento: California Crime Technological Research Foundation, Marcy 1972.

²National Advisory Commission on Criminal Justice Standards and Goals. Criminal Justice Systems. U.S. Government Printing Office, 1973 (Chapter 8).

³Colorado Commission on Criminal Justice Standards and Goals. Standards - Working Draft, Revised Edition, October 1975 (pp. 17-20).

storage and dissemination of criminal history record information maintained in automated or manual systems receiving financial support under Title I of the amended act. LEAA prepared appropriate rules and regulations after holding hearings on privacy and security across the country. These rules and regulations were published in the Federal Register.⁴ These regulations are now in effect and found in Part 20 of Chapter 1 of Title 28 in the Code of Federal Regulations. In subsequent references in this text, that document may be referred as "Regulations" or "Federal Regulations".

Briefly, the new Regulations detail a broad set of standards applying to all criminal justice information systems (federal, State, and local) storing criminal history record data and having received LEAA funds since July 1, 1973. Procedures to satisfy these requirements are to be fully implemented by December 31, 1977. Each state was required to prepare a plan by March 16, 1976 describing how they met or planned to meet these requirements.

GOALS AND OBJECTIVES

The goals of these privacy and security Regulations include:

- Protecting the privacy of those individuals whose names appear for whatever reason in a criminal history record information system.

⁴41 Fed. Reg. 1111.

- Providing reasonable protection for criminal history record information systems against an intentional or accidental loss, damage, modification or unauthorized access of information.
- Ensuring that criminal history record information provided to criminal justice agencies and authorized non-criminal justice agencies is complete, accurate, and current.

In response to the federal requirements, the State of Colorado has prepared this report which is an action plan to achieve the above objectives. The preparation of this plan has been with a substantial input from many state, county and municipal criminal justice agencies as well as representatives from related agencies and the public. It has been particularly timely since at the state level several information systems are in the process of being designed and implemented or upgraded to support the collection and dissemination of criminal history record information. Similarly several local criminal justice systems are being developed and will have an impact on CHRI. Therefore one of the objectives of this plan is guiding the development of various criminal justice information systems, particularly the State's computerized criminal history. Specific objectives include:

- Ensuring the completeness and accuracy of data in the criminal history record.
- Limiting the access and dissemination of criminal history record information to those having the need and right to know.
- Performing thorough audits and establishing adequate quality control procedures to support complete and accurate data.
- Providing such equipment, facilities and procedures to ensure the security of criminal history record information.
- Ensuring that any individual can access, review and challenge data that may be in his or her criminal history record and that any substantial errors will be corrected.

ORGANIZATIONAL RELATIONSHIPS

The following information will provide a brief overview of how the Colorado criminal justice system is organized and operates. Some of the descriptions of the current and planned state, regional, and local criminal justice information systems are presented to provide a better understanding of the responsibilities and relationships among the agencies and their contributions and involvement in criminal history record information.

Law Enforcement

The protection of life and property and the preservation of the peace is the responsibility of personnel assigned to 206 general law enforcement agencies (62 county sheriff's, 144 municipal police). Colorado has two state law enforcement agencies, the Colorado State Patrol and the Colorado Bureau of Investigation.

The Colorado State Patrol is established under the supervision and control of the Executive Director of the Department of Highways by C.R.S. 1973, Section 45-5-101. The State Patrol is specifically charged with the following responsibilities:

- Enforcing the laws, rules and regulations of the State governing the use of the State highways;
- Regulating traffic on all highways and roads of the State;
- Providing support to the Governor in cases of emergency; and
- Maintaining the peace at the Colorado State Fair.

Upon request by local units of government, the State Patrol renders communications assistance jointly with the Division of Communications. Communications services are now provided to 60 percent of the sheriffs' departments; 27 percent of

towns having a population under 1,000; 68 percent of towns over 1,000, but under 5,000; and 22 percent of towns over 5,000, but under 20,000.

The Colorado Bureau of Investigation (CBI) is under the supervision and control of the Executive Director of the Department of Local Affairs, pursuant to C.R.S. 1973, Section 24-32-401 through 414. The function of the Bureau is to:

- Provide assistance to local government in the investigation and detection of crime and the enforcement of the criminal laws of the State;
- Establish and maintain fingerprint and other identification files and records including the Colorado Crime Information Center;
- Provide scientific laboratory services and facilities to assist law enforcement agencies;
- Establish and maintain statewide communications programs, consistent with communications programs and policies of the state communication coordinator;
- Investigate suspected criminal activity when directed by the Governor;
- Investigate organized crime which cuts across the jurisdictional boundaries of local law enforcement agencies.

The CBI has five sections: Investigations; Laboratory; Criminal Information Administration and Automated Data Processing. The Criminal Information section includes the identification unit with manual files of criminal and applicant fingerprints and the UCR training unit which manages the UCR program. At present, fingerprint cards are received from 62 sheriffs' offices, the State penitentiary and reformatory, and 125 police departments, which represent approximately 78 percent of the police maintains and operates the Colorado Crime Information Center (CCIC) which interfaces with the National Crime Information agencies in the State. The Automated Data Processing Section maintains and operates the Colorado Crime Information Center (CCIC) which interfaces with the National Crime Information

Center (NCIC), the National Law Enforcement Teletype System (NLETS), and Colorado Department of Revenue (DOR).

Judicial

In Colorado, the judicial function is comprised of five levels of courts, prosecutors in each of the 22 judicial districts, a state public defender's office and court-appointed private attorneys.

Prosecutions. The District Attorney is the chief law enforcement officer in a judicial district and is a member of the executive branch of the government. Title 20 of the Colorado Revised Statutes delineates the duties of the District Attorney, provides for the appointment of deputies and staff, and deals with compensation and expenses allowed to that office. The District Attorney in the 4th Judicial District (Colorado Springs) has developed the only automated case management and welfare fraud investigation system in the State.

The Attorney General is the head of the Department of Law, by executive order the Attorney General does become involved in selected criminal prosecutions, is involved in the state grand jury process, has responsibility for the organized crime strike force, and is responsible for defending criminal appeals brought to issue by defense counsel in criminal cases. The Attorney General presently has an automated case management system.

Defense. The office of the Public Defender is an agency of the Judicial Department pursuant to C.R.S. 1973, Section 21-1-101. There are Regional Public Defender Offices throughout the State.

Courts. The Supreme Court is the highest court in the State. The court has appellate and original jurisdiction and exercises administrative authority over all the courts of Colorado with

the exception of the Denver County Court and the municipal courts. The Chief Justice is selected and serves at the pleasure of the majority of the Court; he is the chief judicial officer of the judicial system. The judicial process within the State court system can be seen in Exhibit 1-1.

Reporting to the Chief Justice is the State Court Administrator, who is responsible for the overall management and administration of the courts and the judicial personnel system (see Exhibit 1-2).

The District Courts are Colorado's trial courts of general jurisdiction. There are 22 judicial districts. The 2nd Judicial District in Denver has the largest workload. Appeals from municipal courts of record and county courts are made to the District Court. Juvenile cases are heard in the District Court, except in Denver where the Juvenile Court is a separate constitutionally established court.

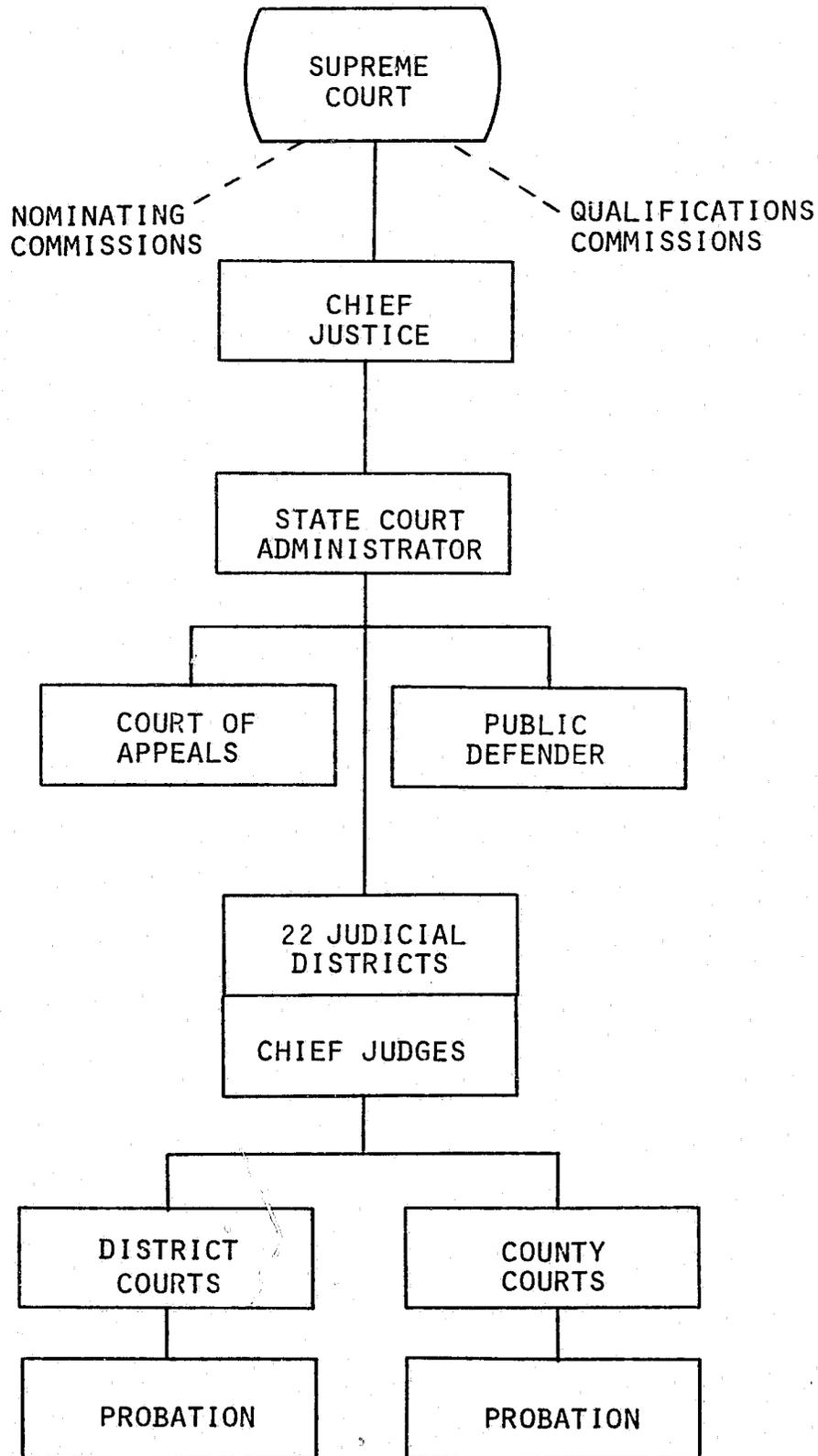
The County Court is a court of limited jurisdiction in the 63 counties. It has original jurisdiction (concurrent with District Courts) over misdemeanors and the issuance of warrants, conduct of preliminary examinations, issuance of bindover orders, and the admission to bail in felonies and misdemeanors.

The State Court Administrator's Office is presently implementing Judicial Department Management Information System (JDMIS) which is aimed at automating the State Court's statistical reporting, docketing, status reporting, and personnel and general management functions.

Local Courts. The Denver County Court is both a county court and municipal court administratively separate from the state judicial system. The Denver County Court judges are chosen by the Mayor of Denver with the assistance of a selection committee. A management information system that will interface with JDMIS is being developed in the Denver County Court. In addition to

Exhibit 1-1

THE COLORADO JUDICIAL SYSTEM PROCESS



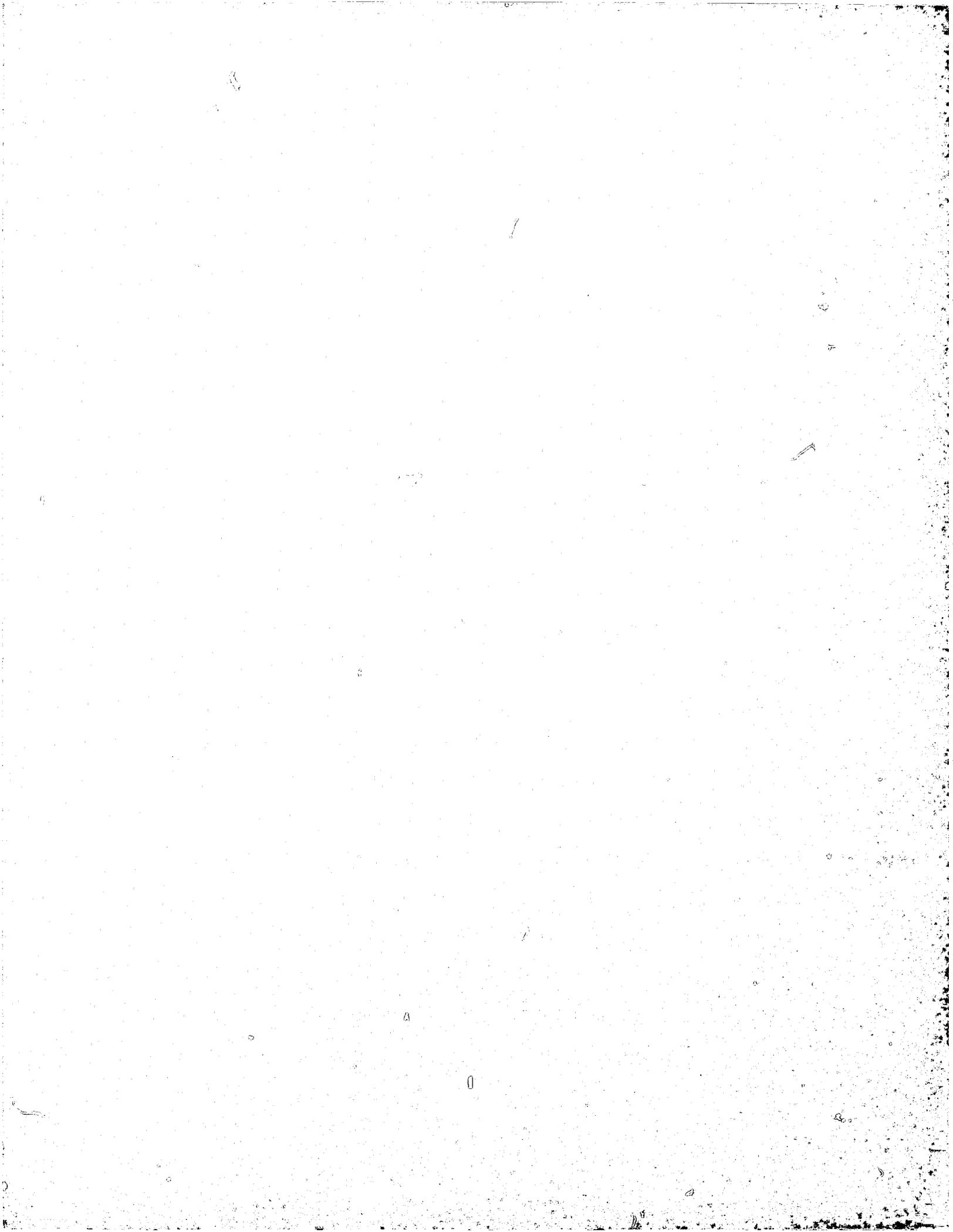
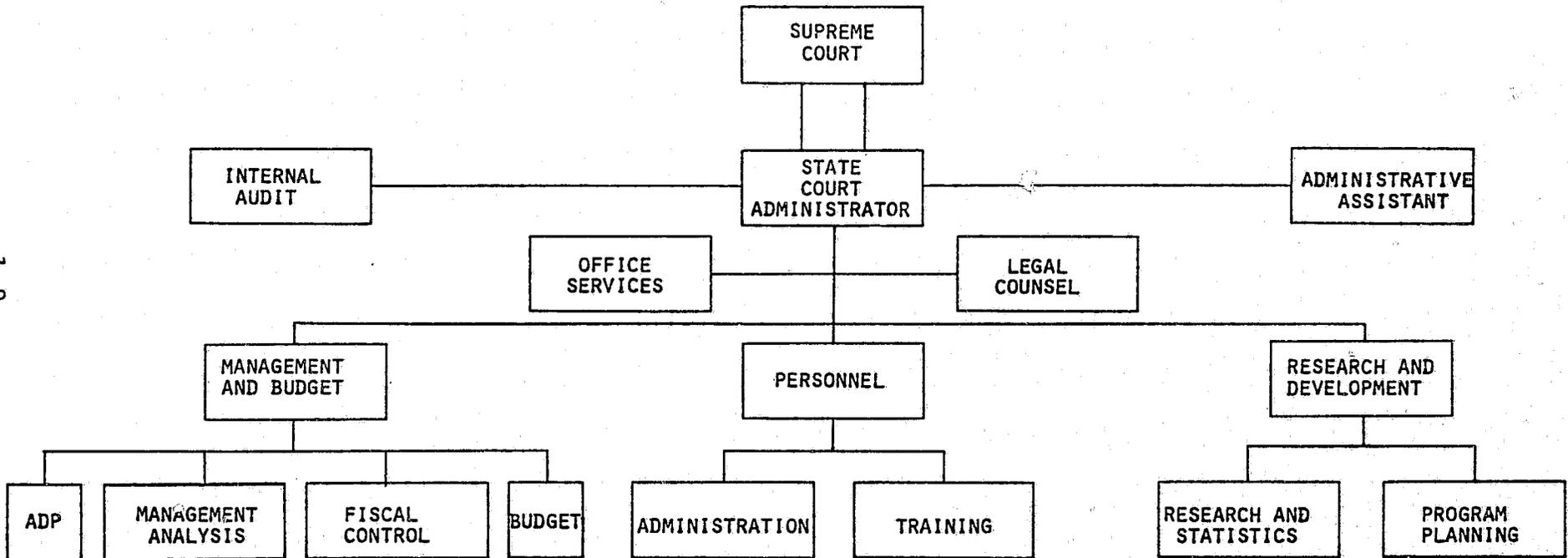


Exhibit 1-2

STATE COURT ADMINISTRATOR'S OFFICE
(Organization Chart as of July, 1975)



the Denver County Court, there are a number of municipal courts which are outside of the administrative responsibility of the state court system. Each municipal court establishes its own management structure, placing management authority in the presiding judge.

Corrections

The correction function in Colorado is shared among the probation system within the judiciary; the institution, and parole system in the Department of Institutions, and the jail system administered by the County Sheriff's.

Probation. The chief judge of the District and the District Court Administrator have responsibility for probation services. Probation operates in each of the State's 22 judicial districts since probation is considered a court disposition. The JDMIS supports probation information needs.

State Institutions. The Division of Correctional Services is part of the Colorado Department of Institutions. Effective July, 1975, all penitentiary facilities, the state reformatory, camps, parole, community services and the diagnostic units are under the responsibility of the Division of Correctional Services. The division is now in the process of designing an Offender Based State Correctional Information System (OBSCIS) in support of all correctional functions within the division (see Exhibit 1-3).

Criminal Justice Planning

The criminal justice planning effort is shared between the Division of Criminal Justice (DCJ) of the State Department of Local Affairs; the Regional Planning Councils and staffs; and the many criminal justice agencies who have formalized planning units.

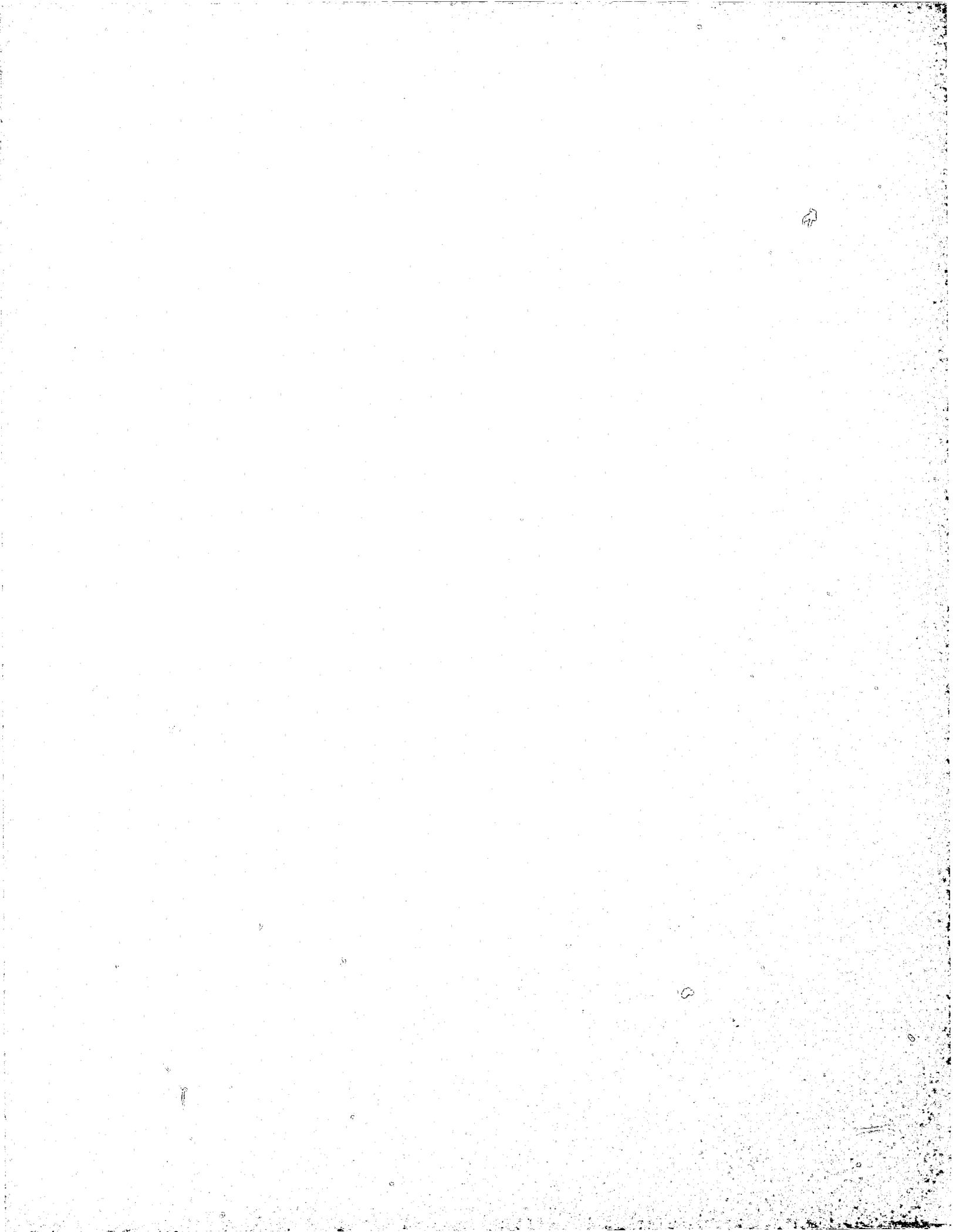
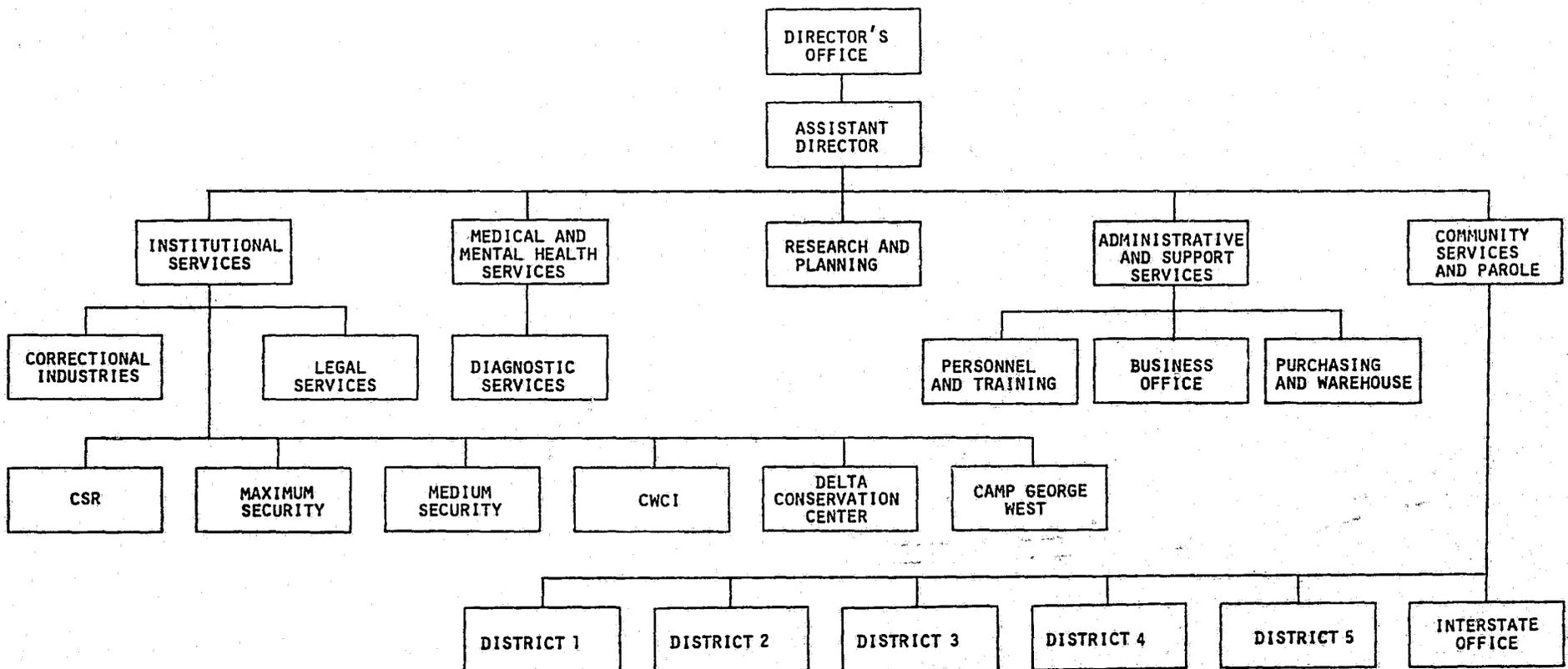


Exhibit 1-3

DIVISION OF CORRECTIONAL SERVICES ORGANIZATIONAL CHART

October 1, 1975

11-1



Regional planning is divided into 13 planning and management regions by executive order. Regional councils are the link between the local units of government and the State Council.

State planning is carried out by the Division of Criminal Justice (DCJ) created by C.R.S. 1973, Section 24-32-501 through 507, and is charged with the responsibilities for analyzing Colorado's activities in the administration of criminal justice and the nature of the problems confronting the State and its citizens. From this analysis, a comprehensive plan for improvement of criminal justice and the control of crime and delinquency is to be developed.

The DCJ has engaged in planning a comprehensive data system (CDS).⁵ The Division has established a Statistical Analysis Center (SAC) in 1973 to coordinate the development of the CDS plan. The SAC is providing:

1. Technical assistance to various criminal justice agencies
2. Management and administrative statistics
3. Coordination in the development of the various statewide CJIS modules (i.e., CCH, JDMIS, OBSCIS, and UCR) to eventually implement the five components of CDS:
 - Offender Based Transactional Statistical System/Computerized Criminal History (OBTS/CCH);
 - The Uniform Crime Reporting (UCR);
 - The Management Administration Statistics (MAS);
 - The Technical Assistance (TA); and
 - An ongoing SAC.

⁵Division of Criminal Justice, Department of Local Affairs, The Design For A Colorado Criminal Justice Comprehensive Data System, 1974, Vol. 1.

KEY INFORMATION SYSTEMS

There are several major criminal justice information systems that directly impact on the development of a centralized criminal history record system.

Colorado Crime Information Center (CCIC)

Colorado law enforcement agencies have used an automated operational system since early in 1972. The system was developed in large part through the use of LEAA funds. The Colorado Crime Informatic: Center (CCIC) is managed and operated by the Colorado Bureau of Investigation (CBI). The system utilizes two Univac 418-III computers (duplexed) and is located at CBI headquarters in southeast Denver. Approximately 80 CRT terminals provide on line input and retrieval capabilities to selected local law enforcement agencies across the State. The system offers the following services: message switching (teletype messages through the Colorado Law Enforcement Teletype System or the National Law Enforcement Teletype System); vehicle registrations and drivers license information through an interface with the Department of Revenue computer, interface with FBI/NCIC files in Washington, and files containing information on persons and things of police interest. Present efforts include operating and maintaining the computerized criminal history system.

Judicial Department Management Information System (JDMIS)

The Colorado Judicial Department has, over the last three years, developed its own computerized on line information and management system with LEAA funds. The computerized system serves state jury selection, the department's personnel, payroll, accounting, budgeting and docketing functions as well as pertinent case and client information. Presently, the system is running on an IBM 370 Model 145 utilizing DOS/CICS. The software involved initially was an IBM package, the Basic Court System (BCS), which was extensively modified for Colorado's

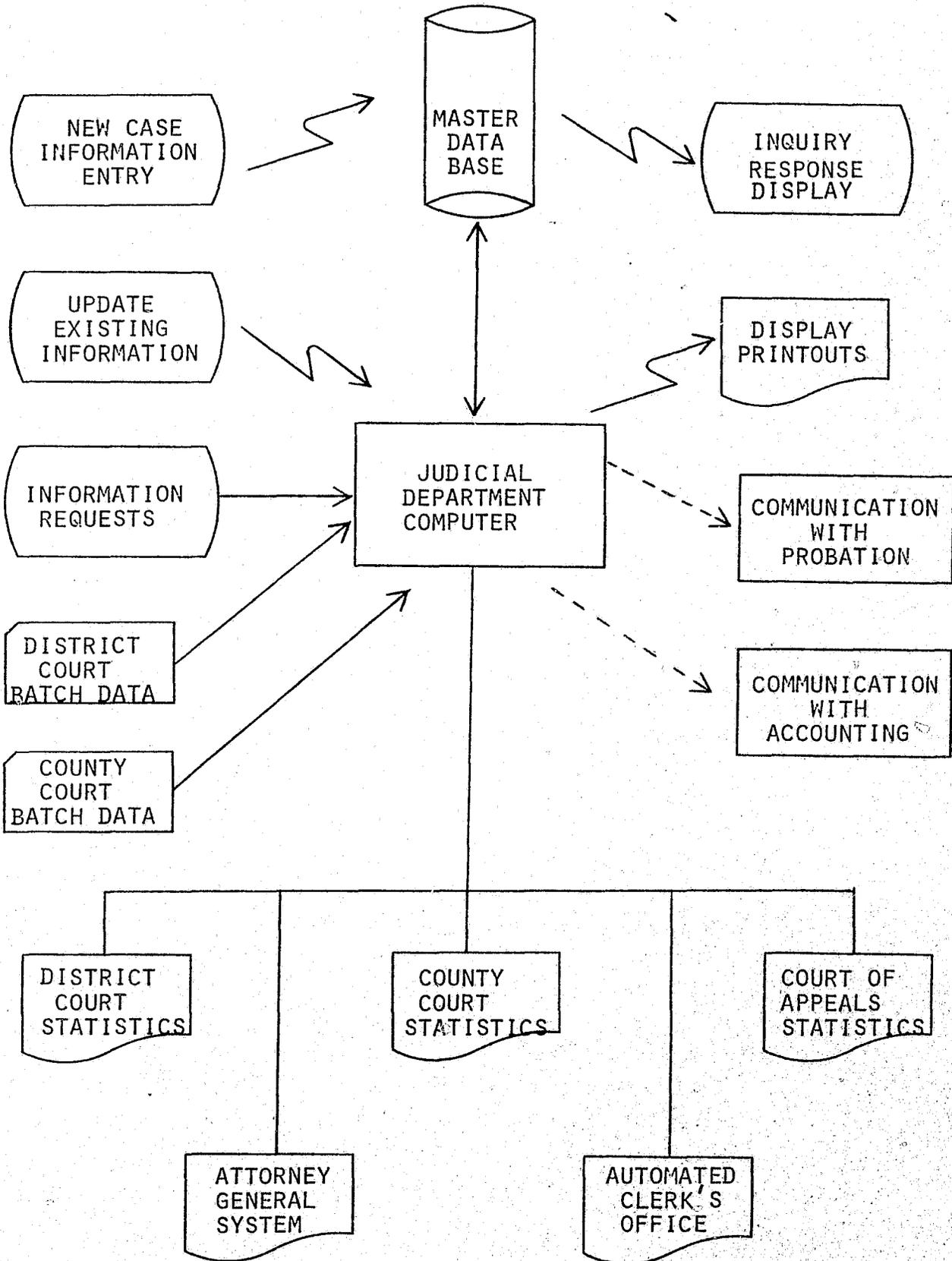
specific needs. A software programmer working in the ADP department for the Judicial Department has now written a package that is handling the on line Colorado Court System (CCS). This package is completely transferrable to any other state court system. The Judicial Department no longer leases IBM's package, and the on line system is handled by this package. The remainder of the state judicial system is using the department's batch system, which is case rather than client oriented.

The State Court Administrator's ADP service center has expanded the use of automated processing for administrative decision making. The center has developed and implemented the on line system into seven out of the nine front-range district courts. The department is in the process of implementing all three areas of the Juvenile Information System, i.e., Intake, Court and Probation in these same front-range courts, as well as an adult probation system. This on line system takes care of the normal processing of data related to the case and its flow through the court, as well as indexing, calendar printing, register of actions, reports for vital statistics, etc. This process also takes care of establishing a data base for case monitoring, research and criminal justice data exchange. (See Exhibit 1-4 for schematic of the JDMIS general data flow.)

The Denver District served as the project's pilot area and the information system is currently operational there in the district court. Probation is not on line at present. The Jefferson and Adams systems are being implemented at this time. All of Colorado's front-range districts should be on line by 1978.

Most of the information required for sentencing decision making is collected and processed manually. In July 1975, the Supreme Court promulgated a standardized presentence report format which will standardize the composition, length and elements of data used for sentencing decisions.

Exhibit 1-4
 STATE OF COLORADO COURT INFORMATION SYSTEM
 GENERAL DATA FLOW



The manual collection of this information is augmented by the Colorado Crime Information Center's automated "rap sheets" which afford the probation officer background criminal information on the applicant for probation. Additionally, the Judicial Department's batch and on line automated systems support probation management decisions on budgeting and resource allocation for presentence reporting and supervised probation terms.

The Judicial Department's data processing staff presently furnishes the Department of Law with a case accounting system. Action is now being taken to automate the Denver County Court's civil, criminal, general sessions, and probation functions.

Correctional Information System

The Division of Correctional Services is in the process of establishing a statewide correctional information tracking system capability through the Comprehensive Data System (CDS) program. In November of 1974, a correctional management information system grant, using LEAA discretionary funds, was given to the Department of Institutions. Although the project is still in its initial stages of development, this effort is envisioned as providing the system for an extensive Statewide Correctional Offender Data Base Tracking System (OBTS). The scope of this system is intended to be responsive to planning, budgeting, management, operational information needs, and satisfying national reporting requirements.

Currently, the Department of Institutions has the capability of tracking some 5,200 offenders in any of its institutions, community programs, as well as those released on parole. This offender movement tracking and census system is presently operating via batch processing and is updated weekly. This system will be utilizing CRT terminals at the various State institutions by July 1976. The present system allows for statistical reports to be generated on a request basis.

The Offender Data Base Tracking System will utilize a Univac 9400 main frame located in Pueblo, Colorado with Uniscope 100 terminals at each remote site. The on line communications linkage will be through the Bell Telephone and the state microwave systems. The final system will be compatible with the National Offender Based State Correctional Information System (OBSCIS) model developed in coordination with the SEARCH Group, Inc.

These three state systems will provide the major component of the State CCH and eventually the State OBTS system (see Exhibit 1-5).

Local CJIS

Several local criminal justice information systems are in existence in Colorado. These include:

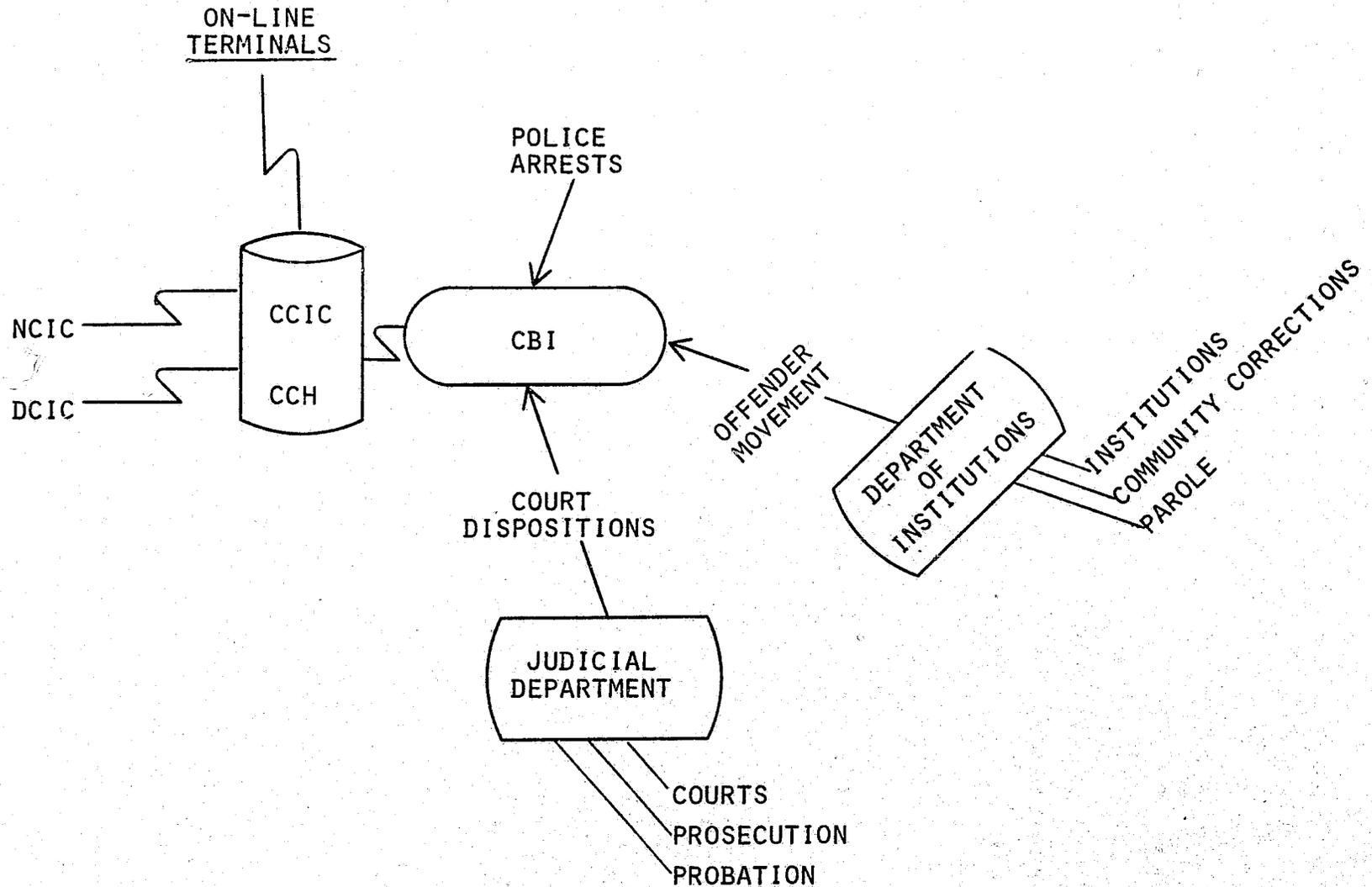
LEAA Funded:

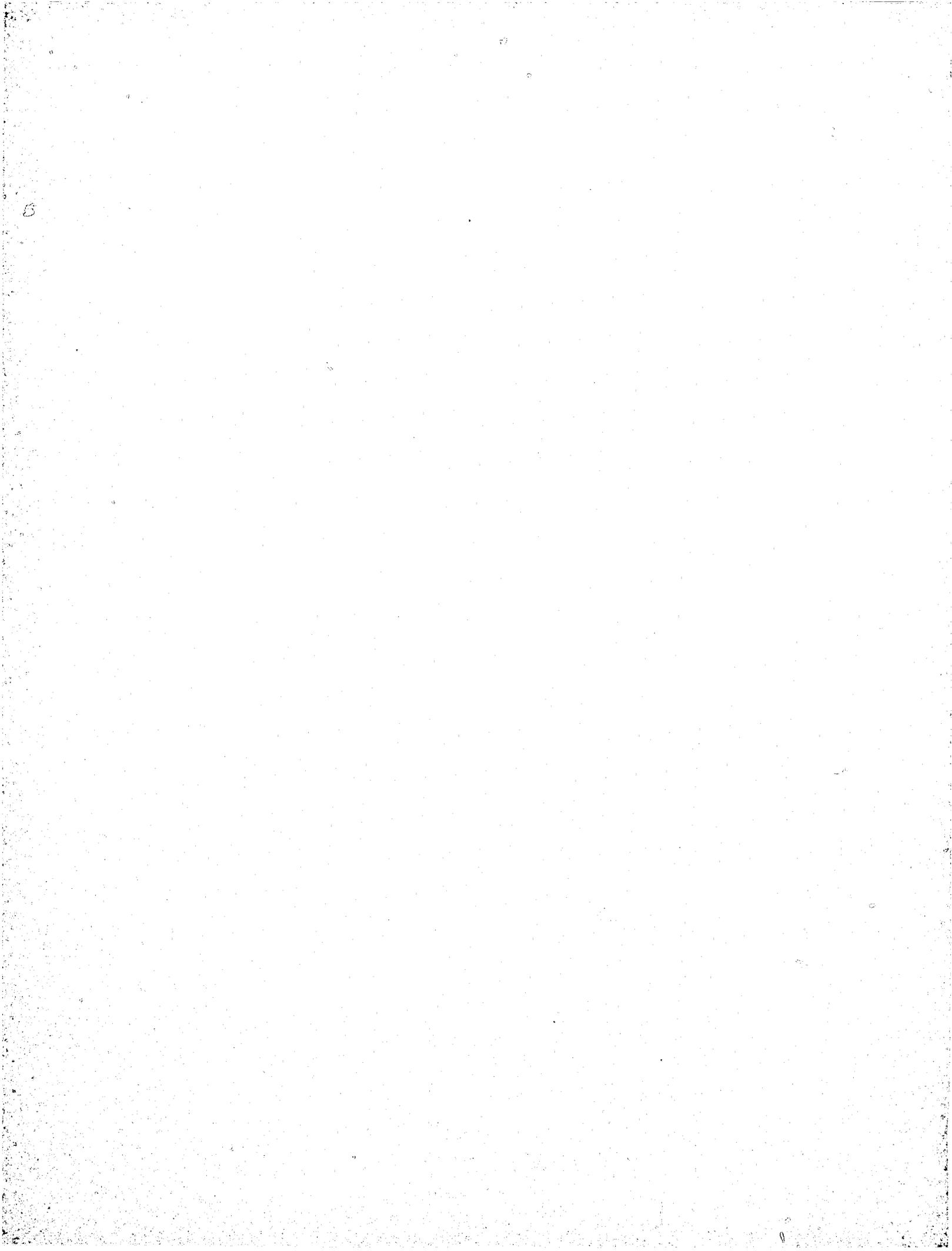
- Denver Police Department (working system)
- Colorado Springs Police Department (design)
- Pueblo Police Department (design)
- Boulder Police Department (working system)
- Denver County Court System (working system)

Non-LEAA Funded:

- Jefferson County Sheriff's Department (working system)
- Adams County Sheriff's Department (working system)
- Greeley Police Department (working system)
- Denver County Court Traffic Information System (working system)

Exhibit 1-5. THE CCH SYSTEM CONCEPT





Section II

CENTRAL STATE REPOSITORY

The Central State Repository (CSR) as defined in the Regulations is "a State agency having the function pursuant to statute or executive order of maintaining comprehensive statewide criminal history record information files." The commentary further notes that the expectation that "ultimately, through automatic data processing, the State level will have the capability to handle all requests for in-State criminal history information." The Central State Repository (CSR) in Colorado will be the Colorado Bureau of Investigation.

AUTHORITY OF THE CENTRAL STATE REPOSITORY

The authority for the Colorado Bureau of Investigation to operate as the Central State Repository (CSR) is found in its enabling statutes (see Appendix A). C.R.S. 1973, Section 24-32-412 (1)(c) provides that the CBI has authority "to establish fingerprints and other identification files and records;" C.R.S. 1973, Section 24-32-412(2) permits the CBI to "establish and maintain statewide communications programs" to carry out its functions, including its identification records functions; and C.R.S. 1973, Section 24-32-412(3) which provides for CBI to establish a program so that "...every law enforcement, correctional, and judicial entity, agency, or facility in this state shall furnish to the bureau, upon its request, all arrest, identification, and dispositional information."

These statutes and present operational functions are sufficient to authorize the CBI to perform as a fully operational Central State Repository (CSR). However, to eliminate any confusion over CBI's authority to establish a computerized criminal history (CCH) system and operate the Central State Repository

the Department of Local Affairs will pursue an executive order or legislation to more specifically identify the role of CBI.

KEY ISSUES

The following are some brief points on CBI's operation that impact on its present functioning as the CSR. More detailed information on disposition reporting, dissemination, audits and quality control and security are discussed in subsequent sections. As described in Chapter I, CBI has automation capability and is now in the process of implementing a statewide CCH which is scheduled for full operation in September of 1976. Presently about one-half of the identification records have been converted but it will be several years before the majority of criminal record jackets will be converted from the manual to the automated system. This is primarily due to the practice of converting old manual records only at the time of a new arrest. The Denver Police Department who unofficially functioned as a partial CSR prior to the establishment of CBI (1971) will continue to maintain its old criminal history record information. Criminal justice agencies will continue for a period of time to have access to these old files to the extent possible. A search of this nature would only be necessary when an arrested person had a prior record not located in CBI files.

The automated CCIC system will permit real time access to criminal identification records as well as to criminal history records information. The system will permit on line searching of name index files and assists in file searches by fingerprint classification.

Fingerprint Card Submission

Presently, CBI is offering its service on a more or less voluntary contribution basis. The Bureau will accept any arrest fingerprint cards, but officially states they want all

felonies and selected misdemeanor arrests. The classification of offenses are the same as those promulgated by the Federal Bureau of Investigation (FBI).

Legislative action will be taken to establish the requirements for the submittal of fingerprint cards. This effort will be augmented by contacts with appropriate agencies by CBI's Field Training Representatives to explain the need for their submissions.

Municipal Court Violations

CBI will also further clarify procedures and responsibilities for law enforcement agencies submitting the fingerprint cards on arrests that are processed through the Municipal Courts. The disposition for these arrests do not come through the State judicial department management information system. The municipal courts may be required to submit dispositions on these arrests. Exempted from any of these regulations are traffic violations. More detailed discussion appears in Section III.

Misdemeanor Citations

There are no standard procedures for processing persons who are giving misdemeanor citations for minor crimes in lieu of arrest, booking, and incarceration. Some law enforcement department's fingerprint the subjects, others do not. Some departments, on the basis of other identifiers (e.g., date of birth, address, etc.) consolidate the citation with other criminal history records or incident. These issues will be studied and appropriate guidelines developed to ensure positive identification of the individual and proper processing of the data.

Coordination With Other CJIS

Most court and correctional disposition data will be generated by automated systems other than CCIC. In addition, local CJIS

(e.g., Pueblo, Colorado Springs, Denver) are designing information systems which will have effect on the CCH and the CSR operation such as subject in process systems. Therefore, the CBI will take steps to coordinate and provide technical assistance to those agencies in the areas of criminal history record information. Some of the areas that CBI will be interested in include accuracy and completeness; identification and tracking numbers; delinquent disposition reporting; security; and dissemination logs.

Instruction and Assistance

Presently, CBI has a number of policies and procedures governing the operation of CCIC. These are only available to users through the terminals on video screens that can be called up. CBI will augment this technique by publishing a manual that spells out key points concerning privacy and security. This manual will be referenced in the user agreements between CBI and criminal justice agencies. In addition, the CBI field training representatives will support this effort by providing staff assistance, inspection, and other activities to ensure understanding and adherence to the privacy and security regulations.

Section III

COMPLETENESS AND ACCURACY

Section 524(b) of the Crime Control Act of 1973 requires that automated criminal history record information be kept current and that final disposition data be included with arrest data to the maximum extent feasible. The Federal Regulations define these standards by requiring that with respect to arrest occurring after June 19, 1975, "to the maximum extent feasible" dispositions must be reported to the Central State Repository within 90 days of the time when they occur. As a further measure to ensure that only the most complete data is disseminated, the Federal Regulations require that, except in cases where "time is of the essence" and the requisite response cannot be obtained with sufficient speed, accessors must query the Central State Repository with regard to open or new arrests prior to disseminating criminal history data outside the agency.

Since CBI and criminal justice agencies will be recording, maintaining, or disseminating criminal history record information to both criminal justice and authorized non-criminal justice agencies, it is the responsibility of the State to ensure that the information is complete and accurate. The completeness of this information will depend on the cooperation of each and every criminal justice agency in adhering to a set of uniform standards and procedures for submission of data to the Central State Repository. These standards and the responsibilities of each submitting agency will be defined by CBI and in part will be presented in this plan. The accuracy of criminal history record information depends on strict adherence to these submission standards, the institution of systematic audit procedures, and provisions for rapid and total correction of any erroneous information when errors

are discovered. The audit and verification procedures are designed to minimize the creation or storage of erroneous information in the CCH or local case files. It is recognized that some erroneous information may be disseminated before the errors are detected. Procedures to identify errors and methods to correct errors in the Central State Repository and local case files will help ensure the correctness of data.

As the instructions¹ indicate, Section 524(b) of the Crime Control Act of 1973 was intended to ensure that criminal history records whose collection, storage, or dissemination was funded in whole or in part by LEAA funds be complete and accurate wherever they are stored. As some local criminal justice agencies in Colorado (e.g., Denver, Pueblo, etc.) who have received funds do store and do disseminate criminal history record information, it is clear that the Federal Regulations require that they include all dispositions available. This requirement is particularly directed at arrests disposed of in municipal court. All other arrest dispositions will come from CBI. Agencies must also develop and implement procedures to comply with the "query to the Central State Repository before dissemination rule" to ensure transmittal of current information. Cognizance is made in situations where criminal history record information is needed immediately. The Federal Regulations allow dissemination without query of the CSR in cases where "time is of the essence" and the requisite response from CBI cannot be obtained with sufficient speed.

The Statistical Analysis Center of DCJ through workshops and visits has already advised most major criminal justice agencies at both the state and local levels of the existence of the Federal Regulations and of their implications for all CBI/CCH users. In addition, CBI will prepare model operational procedures to assist local users in developing their own internal

¹"Privacy and Security Planning Instructions," April 1976, p.19, Law Enforcement Assistance Administration.

regulations in compliance with the Federal standards pertaining to completeness and query before dissemination. These model procedures will be available by September of 1976.

Before further discussion on completeness and accuracy and the requirement to have rapid disposition reporting, several definitions are provided that have a bearing on the proposed procedures.

Definitions

"Disposition" is defined in Section 20.3(e) of the Federal Regulations to mean "information disclosing that criminal proceedings have been concluded. . . ." The intent is that everything of a final nature which could happen to a defendant following his arrest is a disposition. This includes the final disposition at each phase of the administration of criminal justice process (i.e., police, prosecutor, courts and corrections). The setting of bail or holding for a grand jury indictment are not dispositions as defined by the Regulations since they are interim steps in the criminal justice process.

"Dissemination" is not specifically defined in the Federal Regulations; however, the Privacy and Security Planning Instructions (April 1976, p.14) define the word to mean "the release or transmission of criminal history record information by an agency to another agency or individual." Intra-agency transfers of criminal history record information would not normally constitute a dissemination except in the unusual case where there is an intra-agency transfer of data from a criminal justice subcomponent to a non-criminal justice subcomponent of the same agency. Further, reporting the occurrence of a criminal justice transaction such as reporting a particular arrest, other transaction or disposition to CBI or other agency is not considered dissemination.

"Criminal justice agency" means either a court or governmental agency (or subunit thereof) "which performs the administration

of criminal justice pursuant to (state) statute or (state) executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice." [CFR §20.3(c)] The word "substantial" has been defined to mean in excess of 50 percent of the annual budget of the agency or subunit. Whatever accounting methods may be used to reach the 50 percent figure, the commentary to the Federal Regulations indicates that to qualify as a criminal justice agency an agency must perform, as its principal function, one of the functions comprising the administration of criminal justice defined in Section 20.3(d) of the Federal Regulations.

"Criminal history record information" is defined in Section 20.3(b) of the Regulations. The term refers to information collected by criminal justice agencies relating to individuals "consisting of identifiable descriptions and notations of arrest, detentions, indictments, information or other formal criminal charges and any disposition arising therefrom, sentencing, correctional supervision and release." The definition was intended to cover all of the standard OBTS/CCH (Offender Based Transaction Statistics/Computerized Criminal History) data elements. See Appendix B for list of data elements. Of perhaps greater significance, even when the relevant data elements occur outside their normal CCH setting, they nevertheless fall within the scope of the Federal Regulations. Thus, all agencies which maintain records containing "notations" of citizens' prior criminal involvement may--particularly if they have received financial help from LEAA for the collection, storage, or dissemination of such records since July of 1973--be subject to the regulatory requirements.

DISPOSITION REPORTING

Existing statutes provide sufficient authority to enable CBI to require the receipt of dispositions. C.R.S. 1973, Section 24-32-412(1)(e) provides that the CBI has the authority "to procure any records furnished by any law enforcement agency of the state of

Colorado...at the expense of the bureau." C.R.S. 1973, Section 24-32-412(3) provides that in accordance with a program established by the CBI, local and state agencies shall supply criminal history information to the CBI. Where information is provided by the courts, the statute calls for the reporting to be done according to procedures established by both CBI and the state court administrator. The above two sections become operative at the discretion of the CBI. It is planned that this authority for receiving dispositions be made more definitive to include mandatory reporting of dispositions from law enforcement, prosecutors, courts and corrections within 90 days from the rendering of the disposition and provide sanctions for non-reporting. Mandatory reporting will ensure accounting of all arrests. Through mandatory reporting the police will be required to report on cases they do not file with the prosecutor (e.g., release insufficient evidence); the prosecutor will be required to report disposition on cases he doesn't file before the court. The Department of Local Affairs will draft this proposed legislation and pursue its passage during the 1977 legislative session.

Current Disposition Reporting

There is no complete disposition reporting system now operating in Colorado. There are three separate efforts now underway and when combined, these should provide the required disposition reporting system for the state's criminal history records information system. CBI is in the process of designing, coordinating and implementing a disposition reporting system. The courts and corrections are also developing their own automated disposition reporting system which can provide the necessary input to the Central State Repository.

Law Enforcement. Presently CBI uses the FBI fingerprint cards and disposition reporting forms provided to local law enforcement agencies. Law enforcement agencies are urged to submit fingerprint cards and subsequent dispositions to CBI. This

procedure closely replicates the FBI procedures. There is no effective followup procedures in existence ensuring that dispositions are received. Requiring law enforcement agencies to obtain dispositions from other criminal justice agencies has not met with success.

Courts. The state court administrator's system has a case tracking system which includes disposition reporting. Each case entering any of the county or district courts is placed in the data base. The case is tracked through the court process until it reaches final judgment. The JDMIS records each interim appearance and order in the calendar of events. Dispositions are entered on each count. Those courts already on line to the computer report their dispositions on a daily basis. Other courts provide disposition reporting on a monthly batched basis.

Both the on line and monthly batched systems have procedures to handle dispositions from the appellate process; modification in sentences (post-judgments); sentences assessed against probation violators (revocation, modification or new judgments) and deferred prosecution and sentences.

Corrections. The state correctional system does not have a completely centralized record system at this time. Dispositions are recorded in the offender case jacket. Recently the Department of Institutions has developed an offender movement and census system which records the status of each of the offenders in its institutions and those released on parole. This system is currently operating on a batched system being updated on a weekly basis.

Limitations and Problems. Current disposition reporting from the police is fragmented and often exceeds the 90-day time limit. The present procedure requiring law enforcement to report the disposition of their arrests causes undue hardship

on these agencies. In some cases law enforcement agencies have established relationships between themselves, the prosecutor and the courts to obtain most dispositions. However, these are usually limited to one disposition per arrest rather than a disposition for each charge. The police attempts to obtain court dispositions do not include disposition relative to deferred prosecutions or sentences, modification in sentences, probation violations, or appeals.

Presently the prosecutors are not routinely reporting any dispositions to the arresting agency, CBI or through any existing local CJIS. Where it does occur is where the arresting agency has introduced procedures to collect the data. However, this is not too prevalent.

There is no estimate on the extent of non-disposition reporting by law enforcement agencies, but opinion is that it runs around 40-50%. One of the problems that occur is that the disposition cannot be traced back to the proper case because of the lack of a tracking number, incorrect name, multiple charges or similar error. Another problem voiced was the lack of staff either in the law enforcement agencies or the court clerk's office to complete the disposition form. Further concern was expressed on complying with the Federal Regulations' requirement to have dispositions reported within 90 days after occurrence. As indicated earlier, no delinquent disposition reporting system is now operational at CBI. The present state court information system does not now interface with CBI. The court system does conduct regular scheduled monitoring of cases to insure that dispositions are entered. This procedure results in dispositions being entered well within the 90-day limit. The major difficulty in tying judicial disposition data to CBI records is the lack of a unique identifier. This identifier must link the offender to a specific arrest and to specific charges.

The state correctional information system partially interfaces with CBI. This interface consists of forwarding a fingerprint card on an offender upon entry into the correctional institutions system. Internally, the correctional information system does ensure up-to-date disposition reporting. Once a month the correctional information system prepares an updated status report which is forwarded to CBI.

Developing Disposition System

Activity is now being undertaken by CBI, coordinated with the Judicial Department and Division of Correctional Services to design a system for positively identifying an individual and linking him to a specific arrest and to the specific charges from this arrest. The developing procedures will be consistent with the national single-print concept which calls for only the initial set of prints to be submitted to the FBI, and all subsequent submission to be handled by CBI. CBI has already established and is using a unique individual identifying number called the State Identification Number (SID). They have just inaugurated two additional identifying numbers to identify the arrest and identify the charges. The universal tracking number (UTN) is assigned to each arrest accompanied by a set of fingerprints. The criminal justice system number (CJS) is assigned to each charge embodied in the arrest for a specific individual. In this manner each person arrested will be uniquely identified by his SID, a UTN and any number of CJS numbers. It appears that these numbers can be accommodated by the court and correction system and therefore used as the tracking numbers for tying together court and correctional dispositions.

Based on this numeric scheme, CBI will continue to proceed to develop the disposition reporting system which will allow complete disposition reporting from the prosecutor, courts and corrections. The system design will be completed September 1976. The disposition system will be operational by December 1976 receiving input from police, prosecutors, courts and

corrections. The responsibilities for reporting final dispositions within 90 days will be identified in user agreements between CBI and local law enforcement agencies, prosecutors, the state court administrator office and the state correctional services division. Each is required to submit to the State Central Repository their final disposition of cases. Specific procedures for the system will be documented and appropriate instruction made available to agencies submitting dispositions.

Municipal Court Disposition Reporting. Since the JDMIS disposition system will not obtain disposition reporting from municipal courts, CBI will undertake the design of a supplemental disposition reporting system. This system will affect only those cases where a law enforcement agency submits to CBI an arrest notation and fingerprint card for these minor misdemeanors. It is anticipated that a SID will be issued if the person hadn't been previously arrested, together with a UTN and appropriate CJS numbers. The municipal court may be requested to complete the court dispositions reporting on these cases. If the offender is sentenced into jail the agency providing jail services will be responsible for correctional dispositions.

For cases where no fingerprints are taken the record cannot be entered in the Central State Repository since positive identification cannot be made. Local agencies will be allowed to maintain this single arrest data entry. Aggregated arrests based on other than fingerprints will be maintained only for intra-agency dissemination.

CBI will undertake the preparation of a system design and appropriate procedures to accommodate municipal court dispositions. These procedures will be made available to local criminal justice agencies (police, prosecutors, municipal courts and sheriffs). The design will be completed in March 1977 and the system implemented in June 1977.

QUERY BEFORE DISSEMINATION

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

Inquiries pursuant to this requirement will be made by supplying the subject's name and SID to CBI to search its files. CBI has just automated the identification segment of the CCH and manually searches the criminal history jackets. Persons arrested from January 1976 on will routinely have their criminal history records automated including any previous CHRI available at CBI and this criminal history record information will be available upon inquiry. Once the disposition reporting system becomes operational in December 1976, complete CCH will be available. Prior to that time criminal justice agencies will not be required to abide by the query before dissemination rule except in situations where a 24-hour or more turnaround is practiced.

Before implementing the pre-dissemination inquiry capability, CBI will review appropriate existing procedures to verify the protection of both the security and privacy of its data base. The procedures reviewed will include rules regarding terminal logs, validation of users and terminals, physical security of remote terminals and limitations on dissemination. Software configurations are presently being developed by CBI to increase protection against unauthorized use. These include passwords, matrices for authorization by terminal ID, or person ID, as well as a system audit capability to detect suspicious or inappropriate activity on the system.

When the automated query before dissemination capability is operational, all users will be obligated to query CBI whenever dissemination is intended and, judging by the circumstances, it is possible that new information pertaining to the defendant could have arrived at CBI. Thus, if during the course of a police investigation, agency A, who doesn't have a CBI terminal, asks agency B, who has a terminal, whether they have any criminal history data on X (the subject of the investigation) and agency B responds affirmatively, B must inquire of CBI to ascertain whether there has been any further activity before disseminating the criminal history record to agency A. The exception to this policy will be if the criminal history record information maintained by the agency was received from CBI within the previous 48 hours or that "time is of the essence" and the requesting agency needs the available information immediately. In post-arrest situations, query will be required whenever an agency disseminates a criminal history which has been in its possession longer than 72 hours.

These procedures and standards will be enforced through formal agreements between CBI, the Central State Repository, and user agencies, binding the users to make inquiries before further dissemination.

OTHER CRIMINAL HISTORY RECORD SYSTEMS

The primary source of criminal history record information in Colorado will be CBI's CCH. It is anticipated that criminal history records will be maintained at other criminal justice agencies. These agencies have already been or will be officially notified that they are subject to Federal Regulations requirements. Those agencies who have received federal funds for criminal history record information since July 1973 have been contacted by the SAC director and have prepared the appropriate certifications which indicate their plan to comply with the regulations. Other criminal justice agencies will

be made aware of the requirement for complete and accurate criminal history records and query before dissemination through the user agreements between themselves and CBI.

The audit team will monitor other criminal justice agencies where criminal histories are maintained and are made available for outside dissemination. The team will review the agency's procedures for handling criminal history record information ensuring that they are including complete disposition, to the maximum extent feasible, particularly all dispositions occurring in the jurisdiction served by the system (agency). Refer to Section V for more discussion on the audit function. These dispositions will primarily be for municipal court violations. CBI through the systematic audit will also ensure that these agencies are querying the Central State Repository prior to dissemination of any criminal history record information.

Generally, the procedures established by the Central State Repository will be required of other repositories. This will include designations of officials responsible for obtaining dispositions, designation of other officials in other agencies responsible for reporting dispositions, and formal agreements between agencies supporting such arrangements with sanctions.

Previous Criminal History Records

Denver Police Department and other law enforcement agencies will continue to make available to other criminal justice agencies pre-CBI criminal history record information to the extent of their files. As indicated earlier, these records will be on individuals who have not been arrested since the establishment of CBI and therefore do not appear in the Central State Repository. The completeness of these records does not come under the Federal Regulations. Agencies disseminating this old criminal history record information will be instructed to query the Central State Repository prior to disseminating any criminal history record information.

Section IV

LIMITS ON DISSEMINATION

The Federal Regulations as amended in the March 19, 1976 issue of the Federal Register impose limited restrictions upon the dissemination of criminal history record information. A very important distinction is made by the Regulations between "conviction" and "nonconviction" data. The Regulations define nonconviction data to mean:

arrest information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; or information disclosing that the police have elected not to refer a matter to the prosecutor, or that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed, as well as all acquittals and all dismissals.

This definition becomes significant in view of the fact that the Regulations impose no restrictions upon the dissemination of conviction data. Rather, this issue remains to be resolved independently by individual states. On the other hand, the Regulations do require that after December 31, 1977, most non-criminal justice access to nonconviction data "would require authorization pursuant to a statute, ordinance, executive order or court rule, decision or order." It should be recognized that access to either conviction or nonconviction data by criminal justice agencies "for purposes of the administration

of criminal justice and criminal justice agency employment" is in no way restricted by the Regulations. CFR Section 20.21(b) identifies other areas where nonconviction criminal history record information may be disseminated to include CFR Section 20.21(b)(2) "for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order, as construed by appropriate State or local officials or agencies;" CFR Section 20.21(b)(3) "pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice. . .;" CFR Section 20.21(b)(4) "for the express purpose of research, evaluative or statistical activities pursuant to an agreement with a criminal justice agency."

Presently Colorado does not have any specific statutes limiting access or dissemination of nonconviction criminal history record information. Criminal history files may be construed as "Public records" as defined in C.R.S. 1973, Section 24-72-202(6). "'Public records' means and includes all writings made, maintained, or kept by the state or any agency, institution, or political subdivision thereof for use in the exercise of functions required or authorized by law or administrative rule. . .". In addition, C.R.S. 1973, Section 24-72-203(1) provides that "all public records shall be open for inspection by any person at reasonable times. . .".

The Open (Public) Record Statute also prohibits inspection of "Records of investigations conducted by or of intelligence

information or security procedures of any sheriff, district attorney, or police department or any investigatory files compiled for any other law enforcement purposes" [C.R.S. 1973, §24-72-204(2)(a)(I)] unless it is provided for by law. The denial of inspection is "on the ground that disclosure to the applicant would be contrary to the public interest" [C.R.S. 1973, §24-72-204(2)(a)]. This section also exempts inspection of records when "such inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law" which would include the Federal Privacy and Security Regulations.

It will be necessary for the State legislature to consider the issue of dissemination of nonconviction criminal history record information the 1977 session. It is the intention of the Attorney General and/or an Executive commission to draft and pursue passage of legislation clarifying the access, use and dissemination of nonconviction criminal history record information. This matter is particularly important in view of the present haphazard methods of disposition reporting existing in Colorado today. The legislation will utilize the Federal Regulations as a foundation and tailor specifics around Colorado's needs. This effort will be undertaken by the Attorney General's office and will be presented before the 1977 legislative session.

CRIMINAL JUSTICE AGENCIES

Present Colorado Statutes do not limit in any way the exchange of criminal history record information between criminal justice

agencies. The proposed legislation will restrict the access, use and dissemination of nonconviction criminal history information to criminal justice agencies in the pursuance of the administration of criminal justice or for criminal justice agency development. During the interim, CBI will prepare and disseminate similar policy to all CBI/CCH users. This policy will be part of the user agreement and accompanying procedures manual when the CCH becomes operational in October of 1976.

CBI is modifying its "Exchange of Computerized Criminal History Agreement Form" (see Appendix D) to more explicitly spell out criminal justice agency's access, dissemination and use of criminal history record information, and all agencies will be requested to return the revised form to CBI by October 1976.

NON-CRIMINAL JUSTICE AGENCIES

Presently, there are no specific statutes restricting access and dissemination of criminal history record information to non-criminal justice agencies. As indicated above, the Attorney General will include appropriate restrictions in the proposed legislation, and during the interim period CBI will cover this area in its policy and user agreements. The amended Federal Regulations acknowledge "State public record laws which have been interpreted by a State to require that criminal history record information, including nonconviction information, be made available to the public" as sufficient justification for non-criminal justice access and dissemination. The Regulations

go on to say that "Determinations as to the purpose for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order will be made by the appropriate State or local officials." Accordingly, the Attorney General's office and/or a commission appointed by the Governor will study and prepare a legislative package to be considered by the legislature for implementation during their session, beginning January 1977. Based upon the outcome of this effort, CBI will maintain a current list of authorized non-criminal justice dissemination of nonconviction criminal history record information, and this list will be made available to criminal justice agencies as part of the CCH procedure manual. Necessary revisions to existing statutes will be undertaken during the 1977 legislative session.

Other Non-Criminal Justice Access

There are no set guidelines on who can receive non-conviction criminal history record information. After December 31, 1977, many non-criminal justice agencies will no longer be eligible to receive nonconviction criminal history record information. Some groups may be handicapped in their operations which in some degree require access to police records (e.g., contract guards, credit card company investigators, etc.). These organizations include a number of private security firms or security forces of private companies.

The press has also been notified of the Privacy Regulations. According to CFR Section 20.21(b) and associated commentary of the revised Federal Regulations, they may access current criminal history record information (less than one year from date of arrest or where active prosecution is still pending including where a person is a fugitive), in addition to all conviction information; but not nonconviction information.

The issue of access to criminal history record information by the general public will also have to be reviewed by the Attorney General's office and/or the Governor's commission prior to the next legislative session.

Another problem area is the status of investigators who belong to an association (e.g., burglary investigator, arson investigator, etc.). They exchange information on other cases and known criminals. The association cannot be considered a criminal justice agency. While these investigators can continue to exchange investigation, intelligence and conviction information, exchange of nonconviction criminal history record information will not be allowed after December 31, 1977 pursuant to the Regulations, in the absence of a statute, ordinance, executive order, or court rule, decision or order authorizing same. The Governor's commission and/or the Attorney General's office will review non-criminal justice access and make appropriate recommendations in a report to the legislature.

Local Non-Criminal Justice Agencies

During the workshops conducted throughout Colorado for the purpose of discussing the Federal Regulations, a number of local communities indicated they have ordinances controlling the licensing and employment of various occupations (e.g., liquor licenses, taxi drivers, door-to-door solicitors, massage parlor employees, tow truck operators, school employees, etc.). The criminal history records are routinely used to evaluate the person's background as to his suitability to have the appropriate license for employment. To the extent that these criminal history records lack dispositions for arrests over one year old, and for which active prosecution is not pending, such dissemination will not be allowed by the Regulations, except where authorized by statute, ordinance, or court rule, decision or order. The Attorney General's office and/or the commission appointed by the Governor will review existing state statutes and ordinances, and render an opinion on whether there is adequate authority and if they would meet the requirements of the Federal Regulations. If there is a negative opinion from the Attorney General, he will be requested to draft appropriate legislation covering local occupation licensing and employment activity.

Contract (Service) Agencies

There is no mention in Colorado statutes or CBI procedures regulating the access, use and dissemination of nonconviction criminal

history record information to provide agencies performing a function of the administration of criminal justice while under contract with the State or a political sub-unit of the State.

There appear to be a number of newly established community programs (e.g., halfway houses, community counseling centers, etc.) that fall into this category.

Federal Regulations establish the following three criteria in CFR Section 20.3(c), which must be met in order to qualify as a criminal justice agency:

- A government agency or any sub-unit thereof, . . .
- performs a criminal justice [function], and. . .
- which allocates a substantial part of its budget [50 percent or more] to the administration of criminal justice.

The CBI will determine whether an agency is a criminal justice agency. The Attorney General will be asked for assistance in cases where a challenge is made of the CBI's decision.

Those organizations who do not meet the above criteria and are not criminal justice agencies are identified as contract agencies. They must have, as a part of their contract, a use and dissemination agreement between the contracting criminal justice agency or CBI which provides for all the restrictions on access, use and dissemination, as well as the standards for data security and sanctions for misuse required by CFR Section 20.21(b) (3).

CBI will prepare and disseminate the appropriate policies, procedures and forms required to determine the status of an organization, as well as establish contract and user agreements covering contract service agencies by December 1976.

Researchers

No provision is currently made for the control of researchers who use criminal history record information. It is the state's intention to develop appropriate procedures for allowing bona fide researchers to access criminal history records. Important provisions of these procedures will be the insistence on the signing of a non-disclosure agreement between the criminal justice agency or CBI and the researcher before undertaking any project, and that only statistical data which does not identify individuals will be routinely provided for research purposes. Data which does identify an individual may be provided when such data are essential to achieve a lawful and valuable criminal justice objective.

CBI will prepare the appropriate non-disclosure agreement form containing all the restrictions required by the Federal Regulations.

GENERAL POLICIES ON DISSEMINATION

The following information supports the State's plan to meet those requirements set forth in the Regulations in CFR Sections 20.21(c) and (d) (general policies on use and dissemination) and (juvenile records).

Validation of Right to Access

Before any dissemination of nonconviction information takes place, disseminating agencies will be certain that the non-criminal justice agency or individual is permitted to receive such information under the Regulations. Most validations will occur by a review of the authorized list to be published by CBI. All criminal justice agencies will be supplied with a list of the agencies which have been cleared for direct access to CBI criminal history record information. Employees will be instructed to consult the list if they are uncertain whether or not a particular request should be honored. If a potential criminal justice information recipient, not on the list, claims to be authorized to receive information pursuant to a statute, executive order, ordinance or court order or rule, the disseminating agency will review the text of such authority prior to dissemination. If the disseminating agency is not certain that the statute, executive order, ordinance or court order or rule, is proper authority for dissemination, it will refuse to release the information pending the opinion of the CBI and the Attorney General.

Agencies covered by service agreements and researchers must have appropriate non-disclosure agreements on file at CBI and the agency before they can receive criminal history record information.

Limitations on Use and Secondary Dissemination

CBI procedures will prohibit secondary dissemination of criminal history records by non-criminal justice agencies. This position is consistent with CFR Section 20.21(c)(1) of the Regulations. Restrictions on permissible use of criminal history records supplied to non-criminal justice agencies will be incorporated in the terms of the standard use and dissemination agreements described earlier, generally by means of language indicating that use is restricted to the purposes for which the record was supplied. Sanctions for violation of the agreement will also be provided in the use and dissemination agreement. A use and dissemination agreement will be required from all accessors whether access is temporary or for long-term agency involvement.

Confirmation of Record for Licensing or Employment Purposes

Part of CBI procedures will require that no agency or individual disseminate a nonconviction criminal history record or confirm the existence or non-existence of a nonconviction criminal history record for employment or licensing checks, except to:

- Criminal justice agencies;
- non-criminal justice agencies so authorized by statute, executive order, ordinance or court order or rule; and
- state and federal agencies authorized by statute or executive order to conduct investigation determining employment suitability or eligibility for security clearances allowing access to classified information.

Juvenile Records

The Colorado Children's Code (C.R.S. 1973, Sections 19-1-101 through 19-10-108) is more stringent than the Federal Regulations in regard to dissemination of juvenile criminal history record information.

Section V

AUDITS AND QUALITY CONTROL

Section 20.21 of the Regulations requires that both systematic audit and annual audit procedures be utilized in each state system. The systematic audit will be employed in the State of Colorado to ensure completeness of criminal history information and to verify accuracy. Additionally, systematic audit procedures will be initiated which will provide for the monitoring of delinquent disposition monitoring. Annual audit procedures will be implemented to examine the extent to which criminal justice agencies at the state and local levels are complying with requirements set forth in the Regulations. The annual audit will also examine the effectiveness of systematic audit procedures.

SYSTEMATIC AUDIT

Systematic audit procedures for the Central State Repository will be designed and implemented by the CBI. Systematic audit procedures necessary to ensure completeness and accuracy of criminal history record information prior to receipt by the Central State Repository will be implemented by submitting agencies. These audit procedures will be consistent with those implemented by the Crime Information Section of the CBI.

Manual systems as well as automated systems will be included in the implementation of the systematic audit procedures. These procedures will provide operational features in the maintenance of all segments of the State criminal history record in order to:

- Check all incoming data for completeness
- Determine and locate delinquent dispositions

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

Field staff attached to the CBI will provide the field liaison necessary to support the systematic audit process. The field personnel will review the status of delinquent dispositions, assist in obtaining corrected information from field agencies, collect information on system functions and monitor local operations to ensure adherence to the Federal Regulations. Systematic audit procedures for the Central State Repository will be implemented by September 1976, and implementation in required field agencies will be completed by December 1977.

Edit and Verification

Edit and verification procedures currently are utilized for both manual and automated input processing in the Central State Repository. The primary source document received from field agencies is the fingerprint card. The fingerprint card is reviewed manually to ensure clarity, completeness and accuracy.

Fingerprint quality is reviewed to determine if the prints are satisfactory for classification. Additionally, the prints are reviewed to determine if one finger has been printed more than once or if the hands have been reversed. All data submitted on the fingerprint cards are reviewed for incomplete or erroneous data. When essential elements are missing or inaccurate, the card is returned to the submitting agency by mail with a written notation of the corrections required.

Edit and verification of automated files at the Central State Repository occurs on multiple levels beginning with an initial edit on input data for terminal originated updates. One input edit is used for all input subsystems after which another more specialized edit validates fields unique to each subsystem. The initial input edit examines operator identification, terminal identification, as well as the authority of the terminal to update and access the specified subsystem. After the subsystem edit is passed, the transaction type is determined. If existing information is to be deleted or modified, an edit reviews the input to determine if sufficient data has been submitted. Additionally, the agency modifying or deleting the record entry must be the agency that originated the entry. Record entries that are to update an existing record or to create a new record are reviewed to determine if sufficient information exists to link the update with the record properly.

Edits are performed on input data at the point of update to ensure that the input field identification is legal as well as other validations to determine if the data is complete and accurate. All transactions of updates, modifications and deletions are stored on a transaction tape for backup and to create an audit trail. All transaction tapes are retained for a period of at least one year.

Edit and verification procedures for queries to the Central State Repository restrict the access of initial input identification records to the originating agency. The procedure protects the record entry until the Universal Tracking Number (UTN) (unique to the individual and the arrest event) and the Criminal Justice System number (CJS) (unique to each charge) have been assigned. Additionally, the record will not be linked with other criminal history information contained in the system until fingerprints have been received from the field and positive identification has been made. All queries are logged on a transaction tape which is retained for at least one year.

Edit and verification procedures for data generated by field agencies including courts and corrections are currently under development and will be designed to be consistent with and comparable to those utilized by the Central State Repository. Both the court and correctional systems will use automated data processing in the generation of disposition information and both systems will employ specific edit and verification techniques that will provide for positive linking and completeness and accuracy of record entries. The target date for the completion of edit and verification procedures for the court system is November 1976, and December 1976 for the corrections system.

Delinquent Disposition Reporting

To provide for complete criminal history record information, a system which will monitor and report delinquent dispositions will be implemented by December 1977. The disposition monitoring system will be designed and implemented by the CBI and will involve the participation of field staff to assist in solving reporting problems and obtaining information from the field.

The delinquent disposition monitoring system will center around a computer application which will periodically review all records that have dispositions outstanding. This review process will use the last date of formal criminal transaction activity from which a projected date of next activity will be computed. If the projected date of expected activity is exceeded, a written notification will be sent to the agency responsible to submit the delinquent information. If the information is not received or a notation that the case is still in process is not sent in, the field staff will receive notification. The responsibility of the field staff will be to assist in obtaining the delinquent data as well as to review any problems that might cause delinquency in the future reporting of criminal history record information.

Software will be written to permit the flagging of all teleprocessing output by the Central State Repository which contains delinquent dispositions that would limit the dissemination to non-criminal justice agencies as required by the "one year" rule.

Audit Trails

Currently sufficient information is contained on fingerprint cards which are submitted from field agencies to provide for a complete audit trail back to the submitting agency and the individual(s) that entered initial information. Audit trails will be established for all automated functions within the Central State Repository to provide for tracing of specific data elements back to the source documents as well as identify operators that have updated or modified criminal history record information. Additionally, audit trails will be established to encompass all participating agencies in the criminal history record information system and will reflect the identity of specific individuals who have made entries on source

documents or input formats supporting the system. The audit trails will be designed to support both systematic audit and annual audit requirements.

Dissemination Logs

In order to provide accountability for the dissemination of criminal history record information, criminal justice agencies in the State of Colorado will be required to maintain complete records of transactions of disseminated criminal history record information. This logging procedure will support the audit process as well as provide a means for correcting erroneous dissemination. The dissemination logs will also provide a means for criminal justice agencies to notify other criminal justice agencies or individuals known to have received erroneous or inaccurate information.

All dissemination logs will be retained for the period of at least one year and any additional period necessary to support annual audit requirements. As a minimum, the log will contain the CBI number or, if unavailable, the disseminating agency master file number, the identity of the agency or individual receiving criminal history record information, and the type of agency (criminal justice or non-criminal justice). This information will permit disseminating agencies to notify all criminal justice agencies who have received criminal history data of subsequent corrections, as well as to provide a successful challenger with a list of all non-criminal justice agencies that have received information. Log entries will also be maintained on all corrections that have been made, as well as agencies notified of required corrections.

ANNUAL AUDIT

Responsibility for conducting the annual audit in state and local agencies will be placed with the Colorado Attorney

General. The Attorney General will appoint a committee of criminal justice officials to include representation from law enforcement, prosecution, courts, corrections, and representation from the Colorado Bureau of Investigation. This committee will work with the various criminal justice disciplines to develop the most effective yet acceptable audit procedures. The duties of the audit committee will include the selection of staff resources necessary to perform the audit function, approving the selection of agencies to be audited, approval of audit methodology, and approval of the audit reports. Maintaining the separation of powers, the specific procedures of CHRI within the state court system will be conducted under the direction and supervision of the Colorado Supreme Court.

Since an annual audit of all criminal justice agencies in the state would be cost prohibitive, a representative sample of agencies will be selected each year. All users will agree to being subjected to the annual audit process, and to maintain records necessary to support the audit by signing a use and dissemination agreement. The annual audit process will be implemented by December 1977.

The annual audit will be conducted in three basic parts as follows:

Procedural Audit

This audit will examine the extent to which procedures have been implemented to ensure compliance with the Federal Regulations as well as to determine if the system is operating as designed. This section of the audit will cover:

- Completeness of records and disposition reporting procedures
- Accuracy of records
- Dissemination practices

- Security (hardware, software, personnel, physical)
- Individual's right of inspection.

Methods used in conducting the annual audit will include:

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

Records Audit

This audit will evaluate the completeness and accuracy of criminal history record information as measured against the records of original entry. This audit will be conducted by tracing a random sample of criminal history record entries from the local agencies to the Central State Repository to evaluate:

- Entry of arrests and dispositions into the state and/or local files
- Accuracy of data entry
- Rate of delinquent dispositions
- Delays in disposition reporting.

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

Audit of Activity Logs

This audit will evaluate the effectiveness of the system's tracking mechanisms. Records to be examined include offender based dissemination logs, record corrections logs, computer system transaction logs, and terminal access logs.

In addition to the inspection of logs, the audit team will:

- Review logging procedures
- Observe the daily operation of each system.

The sampling approach to be taken for providing for annual audits of criminal justice agencies will be as follows:

- 1) State level criminal justice agencies will be audited every three years.
- 2) Courts will be audited every five years.
- 3) Local law enforcement agencies, serving areas containing over 10,000 population, will be audited every five years.
- 4) Local law enforcement agencies, serving areas containing less than 10,000 population, will be audited every seven years.

The audit selection process will provide that all agencies be audited at least one time during the specified time span.

Audit Sanctions

The audit committee appointed by the Attorney General will have the authority to enforce sanctions for violations of audit process. This enforcement process will be conducted through the Central State Repository where appropriate. Where agencies are found to be in error, the audit committee shall notify the local agency and CBI of the violation(s). The local agency will be allowed to correct the problem within ninety (90) days before some type of sanction is imposed, such as the CBI may suspend Central State Repository services. These sanctions will be specifically documented in the use and dissemination agreements entered into with each user agency. The Attorney General will seek state legislation providing penalties against individuals and agencies for violation of laws or regulations pertaining to the use, storage, collection and dissemination of criminal history record information.



Section VI

SECURITY

The Federal Regulations establish comprehensive security standards to protect criminal history records from unauthorized access, loss, or physical damage. All repositories of such records are required to devise procedures which will meet the Federal standards and all such procedures must be fully operational not later than December 31, 1977.

HARDWARE AND SOFTWARE SECURITY MEASURES

The Regulations require that where computerized data processing is employed to collect, store or disseminate criminal history record information, effective software and hardware designs be instituted to prevent unauthorized access to such information. There are no current state statutes or executive orders addressing data processing safeguards and requirements. Since the Central State Repository (CBI) and the other state information systems directly involved in criminal history record information are currently on dedicated systems or have control over their system, the State has the basis of having effective controls to ensure the security of computer and teleprocessing facilities against improper or unauthorized use.

The CBI computerized information system is dedicated to related criminal justice uses and processes. The Judicial Department computerized management information system is also a dedicated system processing judicial information for the Court Administrator, Attorney General, and under contract for the Denver County Court system. The Division of Correctional Services share their computerized system with the automated data processing section of the State Department of Institutions. The Office of Research and Planning of the Division of Correctional Services maintains control over all systems and personnel designing, programming, and operating the correctional information system.

Central Facilities

The sites of two state systems, CBI and Judicial Department, have equipment dedicated under the control of a criminal justice agency and meet the required regulations.

The physical security of the CCH system of CBI is assured by its location within the CBI building. The control of the entire facility, equipment, and personnel is under the Director of the CBI. CBI has implemented hardware and software designs which are intended to prevent unauthorized data access. The operation policy within CBI limits access to CCH work areas to those who have a need to be there. There is no protection against electrical power loss.

The ADP Section of the Colorado Judicial Department is the repository for the State judicial data base. All equipment and personnel are under the control of the ADP Director and responsible to the Court Administrator. The ADP Section had implemented hardware and software designs which exclude any unauthorized access to the court data base. The central computer room is secured at all times and only qualified personnel of the Judicial Department may gain access.

Correctional Services Division. The offender data base tracking system is operated through the State Department of Institutions ADP Center. It is on a shared system; however, the contractual arrangements limit use of the data base to the Correctional Services Division exclusively and provides sanctions for the breach of security procedures. The computer main frame operating the offender data base tracking system is not a totally dedicated system; however, the software supplied by a vendor ensures integrity of the hardware and eliminates accidental access to the files. Specific hardware such as disc control units, terminal multiplexers, and terminals are currently dedicated to this system.

Local CJIS

The computer servicing the Denver Police Department computer operates in a shared environment. This system will not be involved in storing criminal history record information. The

department's identification system that maintains the old criminal history records is a manual system. It is housed and operated within the Police Department building. Access to the files and records is limited to police department personnel.

The Boulder Police Department computer system does not come under the auspices of the security provisions of the Federal Regulations since they have not received any LEAA funds for its development. Boulder and other local CJIS will be under a user agreement with the Central State Repository and will be expected to conform to the requirements of the agreement.

The Denver County Court System presently is being developed and operated by the State Judicial Department under a contractual arrangement. Therefore, the security provisions described herein apply to the Denver County Court System.

The Pueblo Police Department's computer is housed and operated within the police department facility. The system is staffed by department personnel and reasonable safeguards exist to prevent unwarranted intrusion.

The Central State Repository will assume the responsibility to review and provide technical assistance to the various CJIS under development (e.g., Colorado Springs, etc.)

Attention will be given to ensure that the hardware and software configurations will meet the security requirements of the Federal Regulations. The audit process described in the

previous section will aid in monitoring that CHRI information is accessible only to those who have a right and a need to obtain the data.

Summary

CBI will continually review all automated systems interacting with the CCH to ensure that current and future criminal justice information systems processing criminal history record information will provide security software to establish the proper authorizations for control of inquiry and update of data storage. This authorization applies to all resources to which a user can have access and to the mode of access. The security programs will be designed in such a way that they cannot be compromised, modified, destroyed, accessed, changed, purged, or overlaid in any fashion by non-criminal justice terminals. As new techniques become apparent for bypassing the security facilities, the programs will be modified within the existing hardware constraints to prevent unauthorized access.

Data will be stored in a classification system according to scope of permitted access and sensitivity of the data. Confidential criminal justice records that are maintained on line in a time-shared, remote access computer system will be either password protected or be subject to some form of encryption that at a minimum prevents accidental disclosure or both.

Passwords, in addition to serving as a personal terminal identification number, will also be used to authenticate the

authorization of a user to access a file. Passwords will be subject to change as often as required or requested by the user.

System hardware and software will include controls to ensure that all on line data inquiries and machine generated reports will contain only the information which each user is authorized to obtain. The system software will also provide a method to erase and clear all media for the storage of data where purging is required.

TERMINAL AND OPERATOR IDENTIFICATION AND SECURITY

In all the herein described systems, users at remote locations access the repositories via telecommunication facilities and terminal devices. There exist identification codes for each terminal and for terminal users.

Each location was inspected prior to terminal installation to see that the terminals would be in a secure location. Periodic inspections of sites have been made by CBI staff.

The CBI's CCIC has remote terminals that are physically located within law enforcement facilities. Informally, most agencies report that the terminals are so located that they are typically attended at all times (e.g., communication centers).

Unattended terminals can be deactivated to prevent data access.

The CBI will institute specific policy and procedures regarding terminal location, access, and operator identification to further ensure security.

The judicial information system operates dedicated terminals from various remote locations. These terminals are located in the courts and are provided with security locks, but are not accessible to the computer before or after working hours. Any data entered into the data base via a terminal is not accessible by any terminal other than the one located in the court entering the data.

The terminals are located in the Court Clerk's area and are not accessible to any but authorized personnel. Specific codes are needed to access each type of case (e.g., criminal trial, writs, civil, etc.). These are known only to qualified personnel. The screens are cleared each night before the clerks leave. Terminals that are authorized to receive CHRI type of information (the alpha file) are positioned in such a way as to avoid anyone but authorized personnel viewing the screen.

The correctional information system also has dedicated terminals with security and password protection. The system will use the state microwave system as part of the communication network and will use dedicated time/frequency channels totally to the transmission of offender data for inquiry/response processing.

All the above systems have or are developing automatic logging capability that will identify all users, date of their access and inquiry/response data.

MANAGEMENT CONTROL

Both the CBI and the Judicial Department have direct control over their respective computer systems. Therefore, they have direct impact on policies and procedures effecting access to the CHRI, sanctions for misuse of data, responsibility for the physical security of their respective facility; and control of staff working on the systems.

The Division of Correctional Services, in conjunction with institutional management, set priorities for management, operational and statistical reporting. Included in this priority policy is the password assignment for each institution allowing only authorized personnel the ability to access the offender data base files.

Personnel Selection and Training

All personnel having personal access to the computerized or manual criminal histories stored in CBI are employed by CBI. These employees are screened prior to employment by means of background checks and a full fingerprint search of the CBI files. Access to the CBI files is limited to those who are specifically assigned to that function.

The law enforcement agencies having CCIC terminals are not under any specific requirement to ensure the terminal operators have undergone background checks on security training.

It is assumed that these terminal operators are under the direct control of the specific law enforcement agency. CBI will require that all personnel operating terminals meet minimum security checks and receive appropriate training on the confidentiality of CHRI.

In the JDMIS, the only persons using the terminals for data entry and retrieval are court personnel deputized by the court. The clerks are limited to access specific types of cases. During the regular training program in use of the on-line equipment, the clerks are taught to use a backup manual system. No specific instructions are given on the aspects of security and privacy of criminal history record information.

Personnel involved in the correctional information system are jointly interviewed and investigated by the State Department of Institutions and the Division of Correctional Services. The Correctional Services Division conducts a background check of all personnel similar to that of prison custodial officers. The terminal operators are those of the user unit (e.g., prison, reformatory, etc.). The supervisory of the correctional information system has full authority over all staff working on the system and can transfer persons out of the correctional system. The Correctional Services Division is in the process of developing training manuals that will be provided for employees that will be authorized to use the offender data base tracking system. Certain portions of the manual will deal

with procedures for securing the computer system at the ADP Center in Pueblo.

Summary

The existing personnel selection procedures meet the intent of the Federal Regulations. There are deficiencies in the training of personnel on security and privacy matters. This will be overcome by a joint venture between CBI and the other systems. The initial effort will be the preparation by the CBI of a booklet on criminal justice employee security guidelines which highlight the employee's responsibilities and obligations regarding privacy and security. This will be a general overview of the Federal Requirements and general CBI operating procedures. This will be used as the basis of a statewide training effort for instruction local agency employees on handling and processing criminal history record information. The booklet will be prepared by October 1976 and the security instructions will commence March 1977.

The Judicial Department and the Correctional Services Division will further elaborate on these guidelines integrating the CBI material with their systems operations.

Physical Security

CBI's facility is dedicated to all CBI functions. Access to the facility is controlled. All employees and visitors must

wear badges. Within the complex a series of locked doors further minimizes the threat of theft or sabotage of CHRI. These locked doors secure the computer room and central identification record file area. No records are allowed to be removed from this area. An automated fire protection system protects the computer room and actual files which are located on the second floor.

The Judicial Department computer room is kept locked at all times and only authorized personnel possess keys to the area. The building housing the computer is protected by a separate alarm system during the hours when the ADP staff are present. During non-business hours, an outside system is used. The computer room is equipped with heat and smoke detectors. Back-up files, updated daily, are located in another state building to enable recovery of all data in the event of any disaster.

The Correctional Services Division computer installation at Pueblo has twenty-four hour protection by the Colorado State Hospital Security Section, which monitors all people in the area during the off-hours. During normal business times, access is limited to authorized, readily identifiable personnel. Only authorized personnel have keys with which to enter the computer area. All walls are lined with fireproof materials for security storage of information to be retained within the ADP center. In addition, the computer center has devices to protect against fire and flood. All direct access devices and magnetic tapes are secured behind locked doors, and confidential

computer reports are properly filed in secure areas. Terminal areas at the user agencies are also secured against unauthorized access and have adequate fire detection devices for on-site records. The operating system has been designed with the ability to restore the operating system and to transmit all offender data base files to other remote sites within a period of two to eight hours. The manual operation continues until the computer and terminal inquiry/access is restored.

Section VII

INDIVIDUAL RIGHTS OF ACCESS AND REVIEW

The Federal Regulations state that each state must provide for the institution of procedures to "insure the individual's right to access and review" of criminal history information for purposes of accuracy and completeness. The Regulations provide that any individual "shall upon satisfactory verification of his identity, be entitled to review, without undue burden to either the criminal justice agency or the individual, any criminal history record information maintained about the individual and obtain a copy thereof when necessary for the purpose of challenge or corrections." [CFR, §20-21(g)(1)]

CBI has already established policy which is operational regarding access and reviews. This policy appears in Appendix D. The procedures for the most part meet the Federal Regulations. Additional procedures are now being developed that will more clearly conform to the requirements.

Verification Method

CBI procedures state:

The person asking to see his own record must be identified by fingerprints in the appropriate law enforcement office, during normal business hours. A fingerprint identification technician will verify the identity of the person wishing to view his own record by comparing the prints taken with the prints on file.

CBI will continue to press for all criminal justice agencies to adopt the fingerprint method of verifying identity. New procedures will be more specific as to the locations where an individual may request to access and review his criminal history record. Present procedures assume that all law

enforcement agencies have fingerprint capabilities; have fingerprint cards that can verify a person's identity and have copies of his criminal history record.

individual may request to access and review his criminal history record. Present procedures assume that all law enforcement agencies have identification technicians; have fingerprint cards that can verify a person's identity and have copies of his criminal history record.

RULES FOR ACCESS

Present CBI rules are part of the instructions available on screens on all CBI/CCIC CRT terminals, therefore available to terminal operators. These instructions are not available in written form or posted in public view. CBI is now in the process of rewriting and expanding the instructions for access and review. These instructions will be distributed in hard copy to all Colorado law enforcement agencies which may maintain criminal history records. This distribution will occur prior to the end of June, 1976. Part of these revised instructions will be a standardized form to be used for making challenges.

Pamphlets and posters for public viewing are being designed by CBI and will be disseminated to all criminal justice agencies in Colorado. These materials will identify where the reviews will be carried out, the hours when reviews are available, the fees for making these reviews, and the requirement for taking fingerprints to verify identity.

Information Subject to Review

Present procedures within CBI are:

The subject of the record may look at his record and take notes from it. A photocopy of the record will not be provided except for the purpose of challenge by the subject of the record. Then only that part of the record challenged will be copied. The person whose prints are taken will sign the fingerprint card on

which his prints are placed. The notations on that card will indicate the date and time the person viewed his record. The card will then be made a part of the person's record. A person may also view his FBI rap sheet if it is at the office visited. He will also be permitted to view a copy of the FBI regulation which describes the procedure by which he may obtain a copy of the FBI record.

This limits the review to just adult criminal history records; and the individual is the only person who can review. CBI is now considering a modification to the procedure, to require the review to initially be limited to those records maintained at CBI. The only occasion local criminal history records would be subject to review is when they contain the aggregation of other arrests not submitted to CBI (e.g., municipal court violations) and have been disseminated outside of the department.

CHALLENGE OF A RECORD

The present CBI procedures call for:

The subject of a record may challenge its accuracy and its completeness. He will be provided with paper and pencil with which to describe his complaint. If he is unable to write clearly or coherently, he will be provided with stenographic help to prepare his statement in written form for signature. That complaint will be investigated without delay. A written report will be prepared describing the action taken by the respective law enforcement agency detailing the number of complaints made regarding file accuracy and/or completeness, together with a summary of action taken regarding such complaints.

These procedures are now being modified by CBI through the development of a standardized form which identifies the specific entry that is being challenged, the reason for the challenge and the attachment of any supporting documentation. One copy of the completed form is retained by the individual, one copy by the submitting agency, and the remaining copies are mailed to CBI.

Administrative Review

CBI will be responsible for the administrative review of all challenges, involving individuals and records maintained by CBI. They will immediately forward a letter to the individual who is challenging his record indicating receipt of the challenge and providing an approximate date when the challenge will be reviewed and decision made. CBI is now establishing procedures for carrying out this administrative review (e.g., review of source documents, contacting agency supplying questioned entry, etc.). Upon completion of the review, CBI will forward a registered letter to the individual indicating the results along with an explanation of the correction procedures or administrative appeal procedures.

Specific internal CBI procedures to handle these challenges are now being formulated. They will be placed in a procedures manual. Abstracts of the administrative review procedures will be placed in the material forwarded to law enforcement agencies and made available to the public. These procedures will be operational in September 1976.

Administrative Appeal

The present appeal procedure is inadequate and does not satisfy the federal requirements. The Division of Criminal Justice is developing procedures that will substantially modify existing ones. The state has selected the Attorney General's office to handle all administrative appeals from challenges.

Appeal request forms will accompany the letter indicating the results of initial administrative review. The individual will be given an option as to whether he wants to have a hearing on the results or just an independent review of the administrative review. An individual will have 30 days to submit a request for an appeal hearing. Once the Attorney General's office receives the appeal request, a hearing date will be set and the

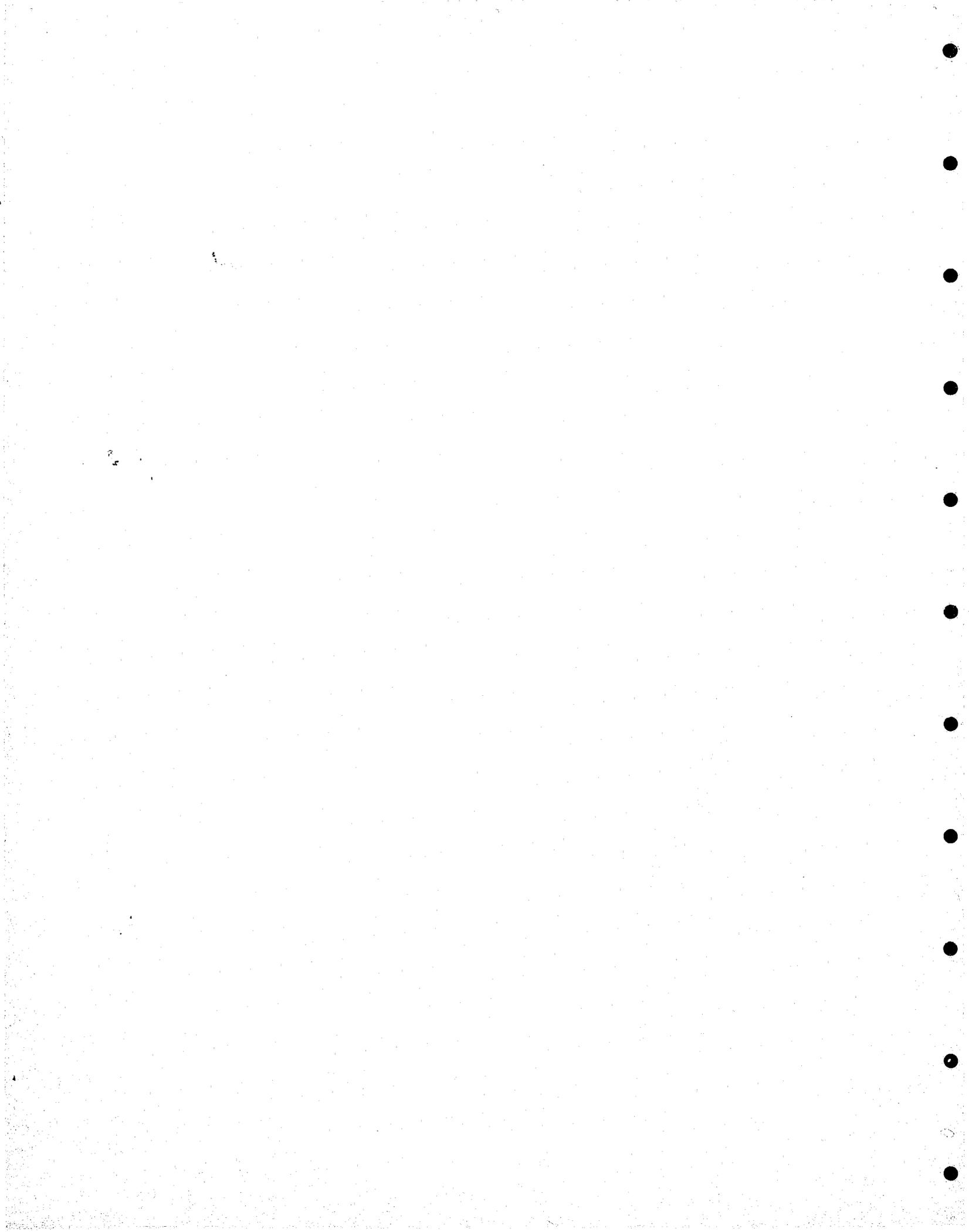
individual notified within 10 days. The individual will also be apprised of the fact that he may appear with counsel, present evidence and examine and cross-examine witnesses.

Judicial Review

Under existing Colorado statutes any administrative action can be brought before a judicial review. The judicial review process will be made known to those who want to challenge the result of the administrative appeal.

CORRECTIONS

No existing procedures exist for correcting errors found as a result of a successful challenge. CBI is now developing procedures which call for the notification of an individual whose record has been found incorrect pursuant to a challenge of that fact. The individual will also be advised that criminal justice agencies have been notified of the error and requested to change their records accordingly. The individual will also be given a list of non-criminal agencies who have received this erroneous record during the previous one year. This notification will be carried out in part by the procedures that once CBI makes corrections of its files, CBI will immediately notify every recipient of the subject data of the corrections and shall request such recipient to correct their records. CBI will also request each criminal justice agency to submit a list of all non-criminal justice recipients who have received this erroneous record during the previous twelve months. As described earlier in this plan, the correction process will rely heavily on the maintenance of appropriate logs of dissemination to criminal justice agencies and non-criminal agencies.



SECTION VIII
IMPLEMENTATION PLAN

The Statistical Analysis Center (SAC) will be responsible for monitoring the completion of required tasks necessary for the State of Colorado to comply with the Privacy and Security regulations. The SAC will be aided by the state Criminal Justice Information Systems Advisory Committee. The SAC will provide the CJIS Advisory Committee with quarterly reports on the implementation progress.

The tasks listed below have been identified as those required to bring the State of Colorado in complete compliance to the Federal Regulations.

Exhibit 8-1 depicts the work schedule.

CY 1976

<u>Month & Task No.</u>	<u>Tasks</u>	<u>Responsible Agency</u>	<u>Reference Page</u>
<u>June</u>			
1.	Coordinate privacy and security procedures between CBI and other criminal justice information systems.	CBI	2-4
2.	Revise the "Exchange of Computerized Criminal Histories agreement" to be more explicit and cover all exchange of criminal history record information.	CBI	4-4
3.	Establish a specific list of locations where an individual may request access to his criminal history record.	CBI	7-2

CY 1976 (Cont.)

<u>Month & Task No.</u> <u>(June Cont.)</u>	<u>Tasks</u>	<u>Responsible Agency</u>	<u>Reference Page</u>
4.	Rewrite and expand instructions on access and review including standardized form for challenges and distribute to law enforcement agencies.	CBI	7-2
5.	Develop and distribute material for public consumption to Colorado Criminal justice agencies and make readily available for police distribution.	CBI	7-2
<u>July</u>			
6.	Strengthen the CSR by filling the vacant I.D. unit supervisor position.	CBI	1-6
<u>September</u>			
7.	Prepare model operations procedure pertaining to completeness and accuracy of information and query before dissemination.	CBI	3-2 & 3-3
8.	Complete the disposition reporting system design to integrate the court and corrections dispositions into the computerized criminal history.	CBI	3-8
9.	Modify existing record challenge procedures to include the use of a standardized form which identifies the specific entry being challenged, the reason and supporting documentation.	CBI	7-3
10.	Develop and place into operations, internal CBI procedures for receiving challenges and conducting the administrative review.	CBI	7-4
11.	Develop and implement administrative appeal procedures involving the Attorney General as the responsible agency.	DCJ	7-4 & 7-5
12.	Prepare and disseminate policy regarding criminal justice agencies access, use and dissemination of criminal history record information.	CBI	4-4

CY 1976 (Cont.)

<u>Month & Task No.</u>	<u>Tasks</u>	<u>Responsible Agency</u>	<u>Reference Page</u>
<u>October</u>			
13.	Have a fully operational computerized criminal history.	CBI	2-2
14.	Develop and disseminate a booklet to criminal justice personnel on CHRI security responsibilities and obligations.	CBI	6-10
15.	Establish systematic audit procedures in court system.	Court	5-1 & 5-2
16.	Establish procedures for processing and reporting dispositions on arrests that are processed through municipal court.	CBI	2-3
17.	Commence the disposition reporting system in an operational mode supported by the necessary agreements, operational manuals and instructions.	CBI	3-8 & 3-9
18.	Establish systematic audit procedures in corrections systems.	Div. of Corr. Services	5-1 & 5-2
19.	Establish, implement and promulgate procedures for correcting erroneous records and for identifying and notifying agencies who have received these erroneous records.	CBI	7-5
<u>December</u>			
20.	Require that all terminal operators meet minimum security checks and receive training on the confidentiality of CHRI.	CBI	6-9
21.	Develop and implement specific security instructions to operators of the Judicial Department and Correctional Service Division Information Systems.	JD/CSD	6-10

CY 1977

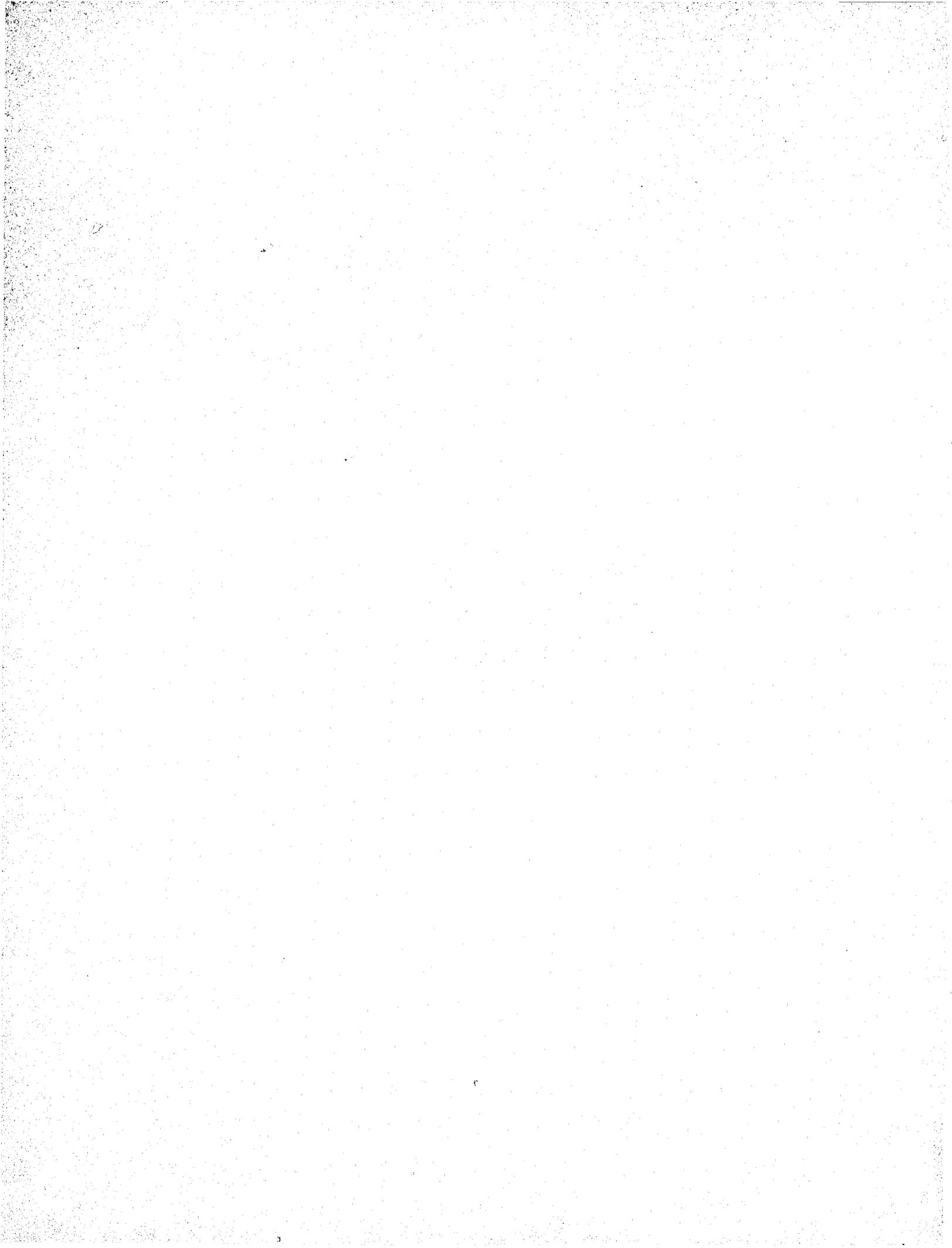
<u>Month & Task No.</u>		<u>Responsible Agency</u>	<u>Reference Page</u>
<u>January</u>			
22.	Support the Query Before Dissemination Rule before disseminating criminal history record information.	CBI	3-10 & 3-11
23.	Establish policy and procedures regarding Query Before Dissemination Rule supported by user agreements between CBI and criminal justice agencies.	CBI	3-11
<u>March</u>			
24.	Complete the disposition reporting system for municipal court dispositions.	CBI	3-9
<u>June</u>			
25.	Prepare and pursue an Executive Order or legislation specifically designating CBI as the central state repository and operate the computerized criminal history.	Dept. of Local Affairs	2-1 & 2-2
26.	Prepare and pursue legislative action covering the submission of fingerprint cards.	Dept. of Local Affairs	2-2
27.	Prepare and pursue legislation specifically requiring disposition reporting.	Dept. of Local Affairs	3-5
28.	Commence the municipal court disposition reporting system supported with necessary agreements, operational manuals and instructions.	CBI	3-9
29.	Include in the systematic audit procedures the identification and inspection of criminal justice agencies who disseminate criminal history record information ensuring adherence to the regulations.	CBI	3-12

CY 1977 (Cont.)

<u>Month & Task No.</u> (June Cont.)	<u>Tasks</u>	<u>Responsible Agency</u>	<u>Reference Page</u>
30.	Prepare and pursue legislation relating to access and dissemination of criminal history information.	AG	4-3
31.	Establish, maintain and disseminate a list of non-criminal justice agencies authorized to receive criminal history record information.	CBI	4-5
32.	Review existing state statutes and ordinances, and, if necessary, draft legislation to allow local non-criminal justice agencies to use nonconviction criminal history record information for license and employment purposes.	AG/ Governor's Commission	4-7

December

33.	Prepare and disseminate policies, procedures and forms covering contract (service) agencies.	CBI	4-8
34.	Prepare and disseminate policies, procedures and forms covering researchers.	CBI	4-9
35.	Prepare and pursue legislation providing for annual audit of all criminal justice agencies complete with sanctions.	AG	5-6 to 5-9
36.	Establish annual audit responsibility in Attorney General's office and create audit committee.	AG	5-6 & 5-7
37.	Establish operational delinquent disposition monitoring system.	CEI	5-4
38.	Establish audit trails systemwide to support systematic and annual audits.	CBI	5-5
39.	Establish dissemination logs systemwide.	CBI	5-6



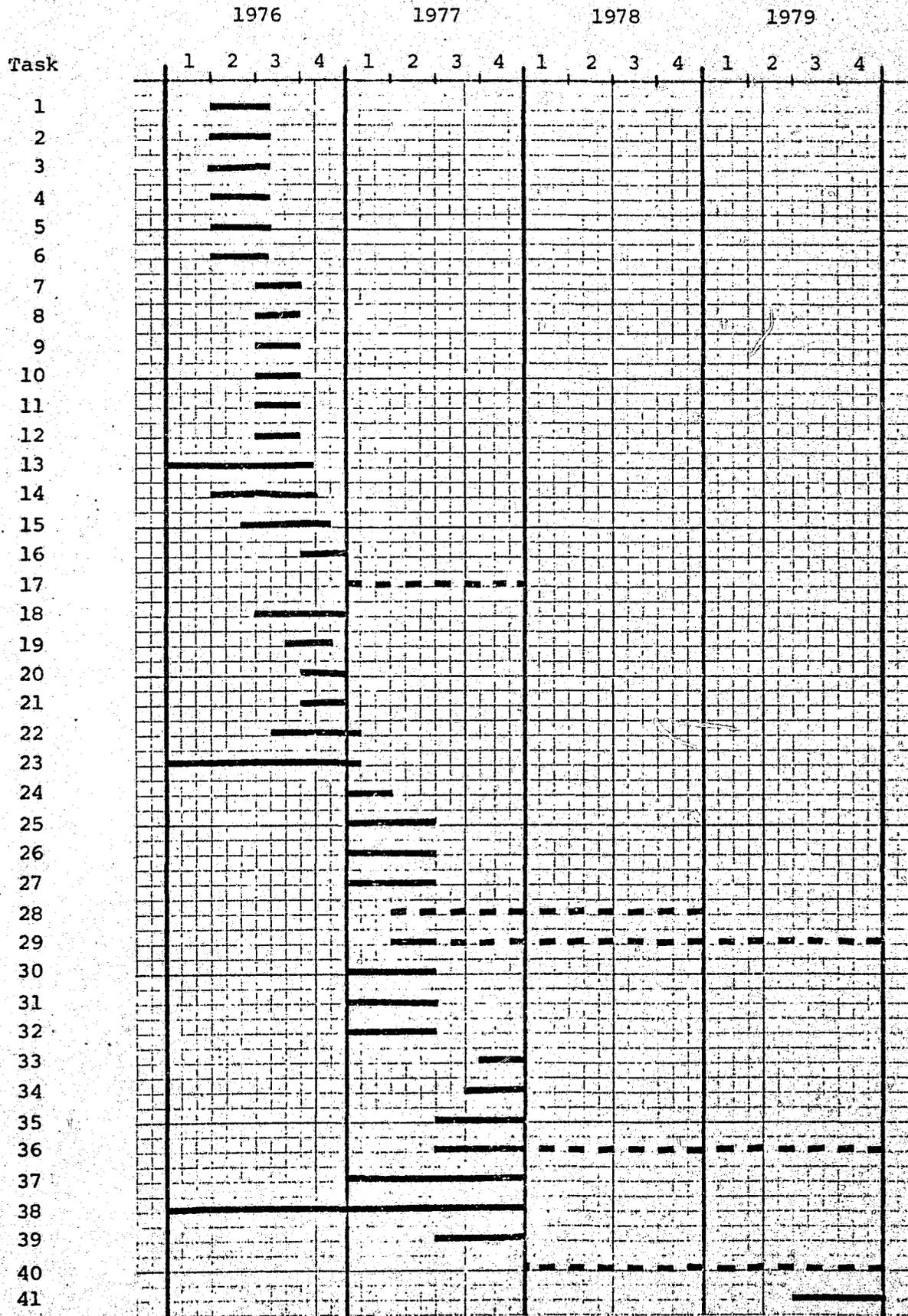
CONTINUED

1 OF 2

CY 1977 (Cont.)

<u>Month & Task No.</u> (December Cont.)	<u>Tasks</u>	<u>Responsible Agency</u>	<u>Reference Page</u>
40.	Provide field staff to support systematic audit process.	CBI	5-2
41.	Establish systematic audit procedures systemwide.	CBI	5-1 & 5-2

Exhibit 8-1 Work Schedule



APPENDIX A

COLORADO BUREAU OF INVESTIGATION
ENABLING LEGISLATION

PART 4

COLORADO BUREAU OF INVESTIGATION

24-32-401. Colorado bureau of investigation. There is hereby created an agency of state government which shall be known as the Colorado bureau of investigation, referred to in this part 4 as the "bureau", and which is placed under the department of local affairs of the state of Colorado as a division thereof.

Source: L. 67, p. 431, § 1; C.R.S. 1963, § 3-24-1; L. 68, p. 133, § 153.

24-32-402. Director - appointment. Subject to the provisions of article XII, section 13, of the state constitution, the executive director of the department of local affairs shall appoint a director of the bureau.

Source: L. 67, p. 431, § 2; C.R.S. 1963, § 3-24-2; L. 68, p. 133, § 154.

Cross reference. As to state personnel system, see § 13 of art. XII, Colo. Const.

24-32-403. Qualifications. The director shall be experienced in scientific methods for the detection of crime and in the enforcement of law and order. The director shall possess such other qualifications as may be specified by the state personnel director after consultation with the executive director of the department of local affairs.

Source: L. 67, p. 431, § 3; C.R.S. 1963, § 3-24-3; L. 68, p. 133, § 155.

24-32-404. Duties of the director. The director shall be the chief administrative officer of the bureau and shall also be an agent. He shall supervise and direct the administration and all other activities of the bureau. The director shall prescribe rules and regulations, not inconsistent with law, for the operation of the bureau and the conduct of its personnel and the distribution and performance of their duties.

Source: L. 67, p. 431, § 4; C.R.S. 1963, § 3-24-4; L. 68, p. 134, § 156.

24-32-405. Deputy director - appointment. Subject to the provisions of article XII, section 13, of the state constitution, the director of the bureau may appoint a deputy director, whose qualifications shall be those for an agent.

Source: L. 67, p. 431, § 5; C.R.S. 1963, § 3-24-5; L. 68, p. 134, § 157; L. 71, p. 112, § 1.

Cross reference. As to state personnel system, see § 13 of art. XII, Colo. Const.

24-32-406. Deputy director - duties. The deputy director shall serve as an agent and, at the request of the director or in his absence or disability, the deputy director shall perform all of the duties of the director, and when so acting, he shall have all of the powers of and be subject to all of the restrictions upon the director. In addition, he shall perform such other duties as may from time to time be assigned to him by the director.

Source: L. 67, p. 431, § 6; C.R.S. 1963, § 3-24-6.

24-32-407. Bureau personnel - appointment. Subject to the provisions of article XII, section 13, of the state constitution, the director of the bureau shall appoint agents and other employees necessary to conduct an efficient bureau.

Source: L. 67, p. 432, § 7; C.R.S. 1963, § 3-24-7; L. 68, p. 134, § 158; L. 71, p. 112, § 2.

Cross reference. As to state personnel system, see § 13 of art. XII, Colo. Const.

24-32-408. Agents - qualifications. The director of the bureau shall appoint persons of honesty, integrity, and outstanding ability as agents. Agents shall possess such qualifications as may be specified by the state personnel director after consultation with the director of the bureau.

Source: L. 67, p. 432, § 8; C.R.S. 1963, § 3-24-8; L. 68, p. 134, § 159; L. 71, p. 112, § 3.

24-32-409. Agents - duties - powers. Agents shall perform duties in the investigation, detection, and prevention of crime and the enforcement of the criminal laws of the state of Colorado. Only agents of the bureau shall be vested with the powers of peace officers of the state of Colorado and have all the powers of any sheriff, police, or other peace officer.

Source: L. 67, p. 432, § 9; C.R.S. 1963, § 3-24-9.

24-32-410. Agents - limitation of powers. Powers vested in agents by this part 4 shall in no way usurp or supersede the powers of the local sheriffs, police, and other law enforcement officers except that this limitation shall not apply to functions of the bureau described in section 24-32-412 (1) (c) and (1) (d).

Source: L. 67, p. 432, § 10; C.R.S. 1963, § 3-24-10; L. 71, p. 113, § 4.

Cross reference. As to functions of bureau, see § 24-32-412.

24-32-411. Agents - defenses - immunities. Any agent required to perform any official function under the provisions of this part 4 shall be entitled to the protection, defense, or immunities provided by statute to safeguard a peace officer in the performance of official acts.

Source: L. 67, p. 432, § 11; C.R.S. 1963, § 3-24-11.

Cross reference. As to official functions of bureau, see § 24-32-412.

24-32-412. Functions of bureau. (1) The bureau has the following authority:

(a) When assistance is requested by any sheriff, chief of police, or chief law enforcement officer and with the approval of the director, to assist such local law enforcement authority in the investigation and detection of crime and in the enforcement of the criminal laws of the state;

(b) When assistance is requested by any district attorney and upon approval by the director, to assist that district attorney in preparing the prosecution of any criminal case in which the bureau had participated in the investigation under the provisions of this part 4;

(c) To establish and maintain fingerprint and other identification files and records and to arrange for scientific laboratory services and facilities for assistance to law enforcement agencies, utilizing existing facilities and services wherever feasible;

(d) To investigate suspected criminal activity when directed by the governor;

(e) To procure any records furnished by any law enforcement agency of the state of Colorado, including local law enforcement agencies, at the expense of the bureau;

(f) To enter into and perform contracts with the department of social services for the investigation of any matters arising under article 5 of title 14, C.R.S. 1973, the "Revised Uniform Reciprocal Enforcement of Support Act", or a substantially similar enactment of another state.

(2) In order to enable the bureau to carry out the functions enumerated in this section, it shall establish and maintain statewide communications programs consistent with communications programs and policies of the state communications coordinator.

(3) Any other provision of law to the contrary notwithstanding and except for title 19, C.R.S. 1973, on and after July 1, 1971, in accordance with a program to be established by the bureau, every law enforcement, correctional, and judicial entity, agency, or facility in this state shall furnish to the bureau, upon its request, all arrest, identification, and dispositional information; except that the provision of information by judicial entities, agencies, and facilities shall be under procedures to be established jointly by the state court administrator and the director of the Colorado bureau of investigation.

(4) The bureau is charged with the responsibility to investigate organized crime which cuts across jurisdictional boundaries of local law enforcement agencies, subject to the provisions of section 24-32-410.

Source: L. 67, p. 432, § 12; C.R.S. 1963, § 3-24-12; L. 71, pp. 113, 515, § § 5, 2.

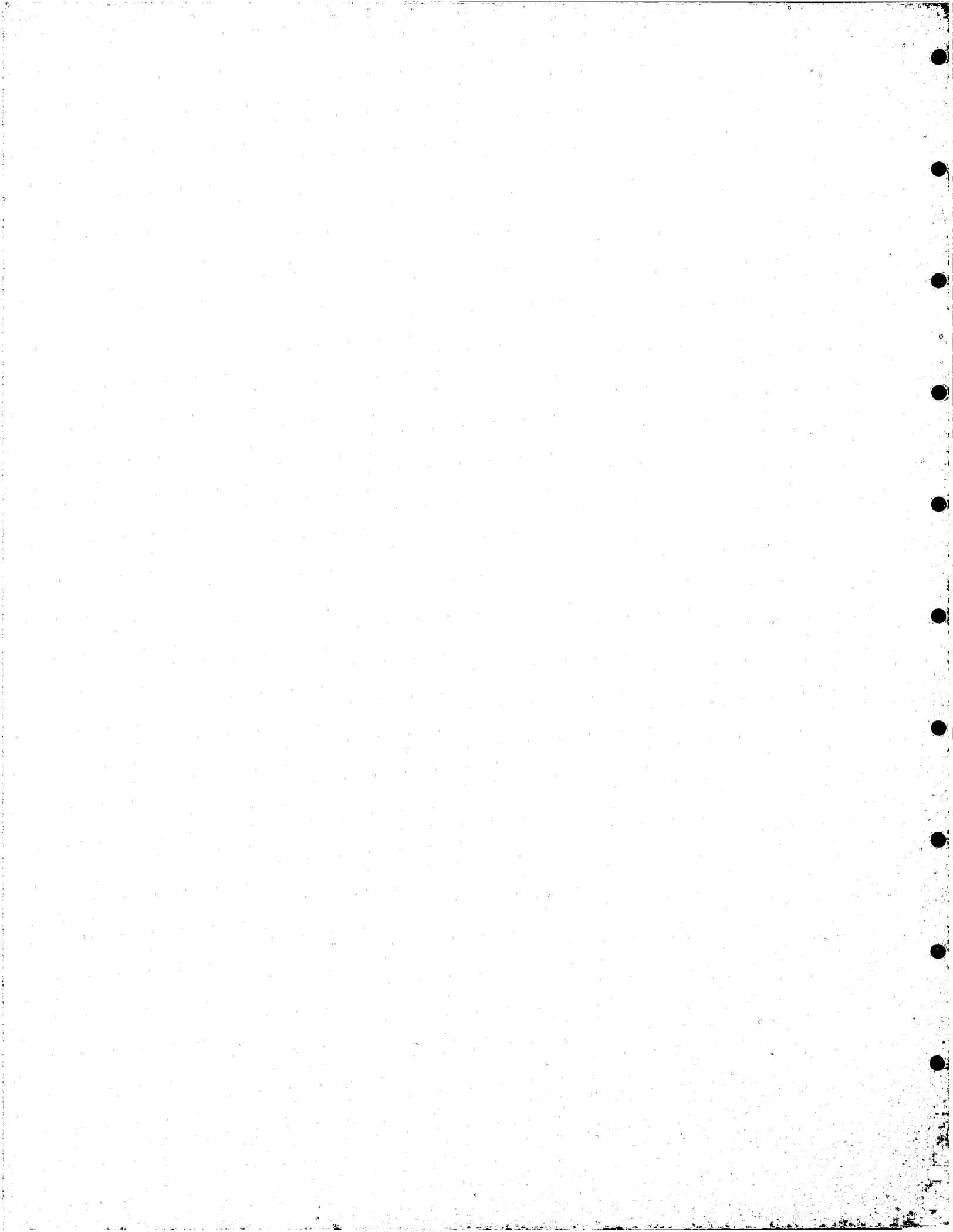
Cross references. As to revised uniform reciprocal enforcement of support act, see § 14-5-101 et seq. As to children's code, see § 19-1-101 et seq. As to limitation of bureau's power, see § 24-32-410.

24-32-413. Credentials. The director shall issue to each agent of the bureau proper credentials and a badge of authority with the seal of the state of Colorado in the center thereof and the words "Colorado Bureau of Investigation" encircling said seal. Each agent of the bureau, when on duty, shall carry said badge upon his person. Such badges shall be serially numbered.

Source: L. 67, p. 432, § 13; C.R.S. 1963, § 3-24-13.

24-32-414. Rewards. No reward offered for the apprehension or conviction of any person or for the recovery of any property may be accepted by an employee or agent of the bureau.

Source: L. 67, p. 433, § 14; C.R.S. 1963, § 3-24-14.



APPENDIX B

CCH/OBTS DATA ELEMENTS

The following list of data elements is meant to represent the extent to which OBTS/CCH information is presently incorporated into Colorado's automated criminal justice information systems. In that OBTS/CCH is still in the developmental stages in Colorado, it should not be viewed as final.

IDENTIFICATION ELEMENTS

<u>Name</u>	<u>Operational*</u>	<u>To Be Added*</u>
Address	X	
Alias	X	
Alias Date of Birth		X
Build -- Physical	X	
Caution	X	
Client CCIC Number System I.D. Number	X	
Client Date of Birth	X	
Client Eye Color	X	
Client Hair Color	X	
Client Height	X	
Client Name	X	
Client Occupation		X
Client Race	X	
Client Sex	X	
FBI Number	X	
Fingerprint Class	X	

*"Operational" - These elements are either presently automated or included in the design of one of the state information systems.

"To Be Added" - This implies the elements will be considered for automation at a later date.

<u>Name</u>	<u>Operational</u>	<u>To Be Added</u>
Miscellaneous I.D. Number	X	
Place of Birth	X	
Scars, Marks, Tattoos	X	
SID	X	
Skin Tone	X	
Weight	X	
<u>POLICE ELEMENTS</u>		
Police Disposition	X	
Police Disposition Date	X	
Agency I.D. Number	X	
Arrest Date	X	
Arrest-Geocode Location		X
Arrest I.D. Number	X	
Arrest Offense -- Literal	X	
Arrest Offense -- Numeric	X	
Arrest Time	X	
Bond -- Date Issued		X
Bond \$ Amount		X
Bond Type		X
Client Physical State		X
Criminal Justice System Number	X	
Offense General Character		X
Officer I.D. Number	X	
Resistance to Arrest	X	
Response to Rights		X
SID	X	
Statute Citation	X	

<u>Name</u>	<u>Operational</u>	<u>To Be Added</u>
<u>PROSECUTION ELEMENTS</u>		
Criminal Justice System Number		X
DA Disposition	on cases filed	on cases not filed
DA Disposition Date	on cases filed	on cases not filed
Reason Charge Dropped		X

COURT ELEMENTS

Agency I.D. Number	X	
Appealed Date	X	
Appearance Date	X	
Arraignment Date	X	
Arraignment Offense	X	
Bond -- Date Issued	X	
Bond -- Action Type	X	
Bond \$ Amount	X	
Bond Adjustment Amount	X	
Bond Type	X	
Bond -- Person Authorizing	X	
Bond -- Person Paying	X	
Case Number	X	
Case Status	X	
Counsel Type -- Final	X	
Counsel Type -- Original		X
Court Count Number	X	
Court Disposition Date	X	
Court Disposition -- Numeric (Case)	X	
Court Offense Class -- Numeric	X	
Court Sentence -- Numeric (Other)	X	
Criminal Justice System Number		X

<u>Name</u>	<u>Operational</u>	<u>To Be Added</u>
Filing Date	X	
Filed Offense	X	
Filing Procedure	X	
Filing - Type	X	
Final Counsel Type Date		X
Final Plea	X	
Final Plea Date	X	
Fine Amount	X	
Fine Suspended Amount		X
Last Case Activity Date	X	
Original Counsel Type Affiliation Date	X	
Original Plea	X	
Original Plea Date	X	
Plea and Setting Date	X	
Preliminary Hearing Date	X	
Reopen Case Date	X	
Reporting Frequency -- Probation	X	
Sentence Date	X	
Sentence Initial	X	
Sentence Final	X	
Sentence Maximum	X	
Sentence Minimum	X	
Sentence Suspended	X	
Statute Citation (multiple entries)	X	
Statute Count	X	
Statute Disposition	X	
Supervision -- Type of	X	
Trial Date	X	
Trial Type	X	

<u>Name</u>	<u>Operational</u>	<u>To Be Added</u>
<u>CORRECTIONS ELEMENTS</u>		
Admission Date	X	
Agency I.D. Number	X	
Criminal Justice Number	X	
Case Number	X	
Confinement Reason	X	
Contact Parole Officer Name		X
Custodial Caution		X
Program Assignment	X	
Rehabilitation Program Name		X
Reporting Frequency -- Parole		X
SID	X	
Status -- Custody Supervision	X	
Status Change Date	X	
Supervision -- Type of		X

APPENDIX C

PUBLIC RECORDS LAW

PUBLIC RECORDS

ARTICLE 72

Public Records

PART 1

RESTORATION AND EVIDENCE

- 24-72-101. Records destroyed — certified copies rerecorded.
- 24-72-102. District court to restore destroyed records.
- 24-72-103. Costs and expenses of proceeding.
- 24-72-104. Purchase abstracts.
- 24-72-105. Abstract books part of records — evidence.
- 24-72-106. Abstract books — use — presumptions.
- 24-72-107. Abstract books, when notice.
- 24-72-108. Jurisdiction of courts to make inquiry.
- 24-72-109. Special commissioners — fees.

- 24-72-110. Evidence admissible, when — charges.
- 24-72-111. Originals destroyed, prior abstracts as evidence.
- 24-72-112. Public records free to servicemen.

PART 2

INSPECTION, COPYING, OR PHOTOGRAPHING

- 24-72-201. Legislative declaration.
- 24-72-202. Definitions.
- 24-72-203. Public records open to inspection.
- 24-72-204. Allowance or denial of inspection — grounds — procedure — appeal.

24-72-205. Copies, print-outs, or photographs of public records.

24-72-206. Violation — penalty.

PART I

RESTORATION AND EVIDENCE

Cross reference: For abstractor's books and records, see § 12-1-106.

24-72-101. Records destroyed - certified copies rerecorded. Whenever it appears that the records, or any material part thereof, of any county in this state have been destroyed by fire or otherwise, any map, plat, deed, conveyance, contract, mortgage, deed of trust, or other instrument in writing of whatever nature or character affecting real estate or irrigation ditches in such county, or certified copies thereof, may be rerecorded, and in recording the same the recorder shall record the certificate of the previous record, and the date of filing for record appearing in said original certificate so recorded shall be deemed and taken as the date of the record thereof, and copies of any such record so authorized to be made under this section, duly certified by the recorder of any such county under his seal of office, shall be received in evidence and have the same force and effect as certified copies of the original record.

Source: L. 1889, p. 302, § 1; R. S. 08, § 5269; C. L. § 5026; CSA, C. 135, § 1; CRS 53, § 113-1-1; C.R.S. 1963, § 113-1-1.

Cross reference. As to certified copies of records, see § 30-10-413.

Law review. For note, "A Survey of the Colorado Torrens Act", see 5 Rocky Mt. L. Rev. 149 (1933).

24-72-102. District court to restore destroyed records. (1) Whenever the public records of any plat or map or any tax list, assessment roll, or any public record or writing connected with the assessment and collection of the revenues of such county and of the state which is required to be kept by the county clerk and recorder of such county in his office, is lost or destroyed by fire or otherwise, it is the duty of the county attorney of the county in which such loss or destruction occurs to file in the district court of such county an information in the name of the people of the state of Colorado, setting forth substantially the fact of such loss or destruction of such public records, or so much thereof as may be desired to be reproduced and reestablished or restored, with the circumstances attending the loss or destruction of the same, as nearly as may be, and thereupon the clerk of such court shall cause such information to be published in full in one or more newspapers published in such county for the period of four weeks, together with the notice addressed, "To all whom it may concern", that the court, at a term therein designated to be held not less than four weeks from the first publication of such information and notice, will proceed to hear and determine the matters in said information set forth and will take testimony for the purpose of reproducing, reestablishing, or restoring such records as the

court finds to be lost or destroyed. Upon such publication being made, all persons interested shall be deemed defendants and may appear in person or by counsel and be heard touching such proceedings.

(2) If the court is satisfied that any public record has been lost or destroyed, an order to that effect shall be entered of record, and thereupon the court shall proceed to take testimony for the purpose of reproducing, reestablishing, or restoring the records so lost or destroyed. The proceedings may be continued from time to time and orders and decrees shall be made as to each record, map, plat, tax list, and assessment roll separately. The clerk shall cause all maps, plats, tax lists, assessment rolls, or other records adjudged by the court to be correct copies of the records lost or destroyed, as often and as soon as they are so adjudged, to be filed in the office of the county recorder, with a certified copy of the order or judgment of the court in the premises attached thereto and recorded in a book to be provided for that purpose, and the said record shall be deemed and taken in all courts and places as a public record and as a true and correct reproduction of the original record so lost or destroyed; but any tax list or assessment roll so reproduced and restored, or so much thereof as may be reproduced and restored under the provisions of this section, shall be sufficient authority for the treasurer of such county to collect all taxes contained therein, the same in all respects as if it were the original tax list or assessment roll and were made out, certified, and delivered to him within the time required by law.

Source: L. 1889, p. 303, § 2; R. S. 08, § 5270; C. L. § 5027; CSA, C. 135, § 2; CRS 53, § 113-1-2; C.R.S. 1963, § 113-1-2.

Am. Jur. See 52 Am. Jur.2d, Lost and Destroyed Instruments, § 5, 8, 26.

C.J.S. See 76 C.J.S., Records, § 42-52.

24-72-103. Costs and expenses of proceeding. All costs and expenses incurred in the proceeding under section 24-72-102, including those for copies of maps, plats, and other records and recording the same, shall be taxed as costs against the county in which such proceedings are had.

Source: L. 1889, p. 304, § 3; R. S. 08, § 5271; C. L. § 5028; CSA, C. 135, § 3; CRS 53, § 113-1-3; C.R.S. 1963, § 113-1-3.

24-72-104. Purchase abstracts. (1) It is the duty of the judge of such court to examine into the state of such records in such county, and in case he finds any abstracts, copies, minutes, or extracts from said records existing after such loss or destruction, and finds that said abstracts, copies, minutes, or extracts were fairly made before such destruction of the records by any person in the ordinary course of business, and that they contain a material and substantial part of said records, the judge of such court shall certify the facts found by him in respect to such abstracts, copies, minutes, and extracts, and also, if he is of the opinion, that such abstracts, copies, minutes, and extracts tend to show a connected chain of title to the land in said county; and upon filing such certificate of such judge with the county clerk of the proper county, the board of county commissioners, with the approval of such judge, may purchase from the owners thereof such abstracts, copies, minutes, or extracts, or such part thereof as may tend to show a connected chain

of title to the lands in such county, including all such judgments and decrees as form part of any such chain of title, paying therefor such fair and reasonable price as may be agreed upon between such board and such owner.

(2) The amount thus agreed to be paid for such abstracts, copies, minutes, or extracts shall be paid by such county in money, bonds, or warrants, to be issued by such county as the board of county commissioners may determine; or said board, with the approval of said judge, may procure a copy of said abstracts, copies, minutes, and extracts, instead of the originals, to be paid for in like manner. If no agreement can be made between said board and the owners of such abstracts, copies, minutes, or extracts as to the amount that should be paid for the same, the board may apply to the judge of the court by filing with the clerk a petition for the purpose of ascertaining the compensation that shall be paid to the owners of said abstracts, copies, minutes, or extracts to be assessed, and the proceedings thereunder shall be in like manner, as near as may be, as provided in articles 1 to 7 of title 38, C.R.S. 1973.

Source: L. 1889, p. 304, § 4; R. S. 08, § 5272; C. L. § 5029; CSA, C. 135, § 4; CRS 53, § 113-1-4; C.R.S. 1963, § 113-1-4.

Am. Jur. See 52 Am. Jur.2d, Lost and Destroyed Instruments, § § 26, 27.

C.J.S. See 76 C.J.S., Records, § § 53-71.

24-72-105. Abstract books part of records - evidence. When any county is possessed of abstract books, copies, minutes, and extracts, they shall be placed in the office of the county clerk and recorder of said county as part of his records, and if the abstract books are not alphabetically indexed showing grantors and grantees, he shall cause them to be indexed in the same manner as is provided for indexing original records. The county clerk and recorder shall be paid by the county such fees as are provided by law. If the original of any deed, mortgage, or other instrument in writing affecting the title of any land in said county is lost or destroyed and it is thus impossible for a party to produce the same in any judicial or other proceeding, a copy of the abstract books, copies, minutes, and extracts or any part thereof, duly certified by the county clerk and recorder of the county, shall be admissible as evidence in all courts of record in this state. It is the duty of the county clerk and recorder of the county to furnish to any parties so requesting certified copies of the same or parts thereof upon payment of the charges required by law.

Source: L. 1889, p. 305, § 5; R. S. 08, § 5273; C. L. § 5030; CSA, C. 135, § 5; CRS 53, § 113-1-5; C.R.S. 1963, § 113-1-5; L. 73, p. 1413, § 83.

Cross reference. As to fees of county clerks, see § 30-1-103.

C.J.S. See 76 C.J.S., Records, § § 1, 2, 53-59.

Am. Jur. See 52 Am. Jur.2d, Lost and Destroyed Instruments, § 28.

24-72-106. Abstract books - use - presumptions. In all cases in which any abstract books, copies, minutes, and extracts, purchased and placed in the county clerk's office, are admissible and shall be received in evidence under the provisions of this part 1, all deeds or other instruments in writing appear-

ing thereby to have been executed by any person or in which they appear to have joined, except as against any person in the actual adverse possession of the land described therein at the time of the destruction of the records of said county, claiming title thereto otherwise than under a sale for taxes or special assessments shall be presumed to have been executed and acknowledged according to law, and all sales under powers, judgments, decrees, or legal proceedings, sales for taxes and assessments excepted, shall be presumed to be regular and correct, except as against said person in actual adverse possession, and unless the abstracts, books, copies, minutes, and extracts show affirmatively some defect or irregularity. Otherwise, any person alleging any defect or irregularity in such conveyance, acknowledgment, or sale shall be held bound to prove the same.

Source: L. 1889, p. 306, § 6; R. S. 08, § 5274; C. L. § 5031; CSA, C. 135, § 6; CRS 53, § 113-1-6; C.R.S. 1963, § 113-1-6.

Am. Jur. See 52 Am. Jur.2d, Lost and Destroyed Instruments, § § 23, 58.
C.J.S. See 76 C.J.S., Records, § 62.

24-72-107. Abstract books, when notice. The abstracts, books, copies, minutes, and extracts, when so placed in the county clerk's office, shall be deemed notice of all deeds, mortgages, agreements in writing, powers of attorney, and other written instruments affecting or pertaining to the title of real estate, or any interest therein, appearing thereby to have been executed and recorded prior to the destruction of such records, in like manner and to the same intent as the records so destroyed. Nothing in this part 1 shall impair the effect of said destroyed records as notice.

Source: L. 1889, p. 306, § 7; R. S. 08, § 5275; C. L. § 5032; CSA, C. 135, § 7; CRS 53, § 113-1-7; C.R.S. 1963, § 113-1-7.

24-72-108. Jurisdiction of courts to make inquiry. In case of such destruction of records as provided for in sections 24-72-101 to 24-72-107, the district court having jurisdiction has power to inquire into the condition of any title to or interest in any land in such county and to make all such orders, judgments, and decrees as are necessary to determine and establish said title or interest, legal or equitable, against all persons, known or unknown, and all liens existing on such lands, whether by statute, judgment, mortgage, deed of trust, or otherwise.

Source: L. 1889, p. 307, § 8; R. S. 08, § 5276; C. L. § 5033; CSA, C. 135, § 8; CRS 53, § 113-1-8; C.R.S. 1963, § 113-1-8.

Am. Jur. See 52 Am. Jur.2d, Lost and Destroyed Instruments, § 12.
C.J.S. See 76 C.J.S., Records, § 44.

24-72-109. Special commissioners - fees. The judges of courts having equity jurisdiction in such county has power to appoint special commissioners from time to time as may be necessary to carry out the provisions of this part 1 to take evidence and report all such petitions as may be referred to them. The fees of such commissioners and of all clerks, sheriffs, and officers and

employees for services under this part 1 shall not in any case exceed two-thirds of the fees provided by law for the same services.

Source: L. 1889, p. 307, § 9; R. S. 08, § 5277; C. L. § 5034; CSA, C. 135, § 9; CRS 53, § 113-1-9; C.R.S. 1963, § 113-1-9.

24-72-110. Evidence admissible, when - charges. (1) In all cases under the provisions of this part 1 and in all proceedings or actions instituted after April 19, 1889, as to any estate or any interest or right in or any lien or encumbrance upon any lots, pieces, or parcels of land, where the original evidence has been destroyed or lost or is not in the possession of the party wishing to use it on the trial and the record thereof has been destroyed by fire or otherwise, the court shall receive all such evidence as may have a bearing on the case to establish the execution or contents of the records and deeds so destroyed, although not admissible as evidence under the existing rules governing the admission of evidence, and the testimony of the parties themselves shall be received, subject to all the qualifications in respect to such testimony which are now provided by law. Any writing in the hands of any person which may become admissible in evidence under the provisions of this section or any other part of this part 1 shall be rejected and not admitted in evidence unless the same appears upon its face without erasure, blemish, alteration, interlineation, or interpolation in any material part, unless the same is explained to the satisfaction of the court, and to have been fairly and honestly made in the ordinary course of business. Any person making any such erasure, alteration, interlineation, or interpolation in any such writing, with the intent to change the same in any substantial matter, after the same has been once made, is guilty of the crime of second degree forgery and shall be punished accordingly. Any and all persons who may be engaged in the business of making writings or written entries concerning or relating to lands and real estate in any county in this state to which this part 1 applies and of furnishing to persons applying therefor abstracts and copies of such writings or written entries as aforesaid for a fee, reward, or compensation therefor and who do not make the same truly and without alteration or interpolation in any matter of substance, with a view and intent to alter or change the same in any material matter or substance, are guilty of the crime of second degree forgery and shall be punished accordingly.

(2) Any such person shall furnish such abstracts or copies to the person applying therefor, in the order of application and without unnecessary delay, for a reasonable consideration to be allowed therefor. Any person so engaged, whose business is declared to stand upon a like footing with that of a common carrier, who refuses to so furnish if tender of payment is made to him of the amount demanded for such abstract or copy, not to exceed said reasonable consideration, as soon as such amount is made known or ascertained, or of a sum adequate to cover such amount before its ascertainment, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars and shall be liable in any proper form of action or suit for any and all damages, loss, or injury which any person applying therefor may suffer or incur by reason of such failure to furnish such abstract or copy.

Source: L. 1889, p. 307, § 10; R. S. 08, § 5278; C. L. § 5035; CSA, C. 135, § 10; CRS 53, § 113-1-10; C.R.S. 1963, § 113-1-10; L. 72, p. 564, § 38.

Cross reference. As to second degree forgery, see § 18-5-103.

Am. Jur. See 52 Am. Jur.2d, Lost and Destroyed Instruments, § 59.
C.J.S. See 76 C.J.S., Records, § 49.

24-72-111. Originals destroyed, prior abstracts as evidence. Whenever it appears in any court in which any suit or proceeding is pending that the originals of any deeds, or other instruments of writing, or records in courts relating to any lands or irrigation ditches, the title or interest therein being in controversy in such suit or proceedings, are lost or destroyed or not within the power of the parties to produce the same and the records of such deeds or other instruments in writing or other records relating to or affecting such lands or irrigation ditches are destroyed by fire or otherwise, it is lawful for any such party to offer in evidence any abstract of title made in the ordinary course of business prior to such loss or destruction showing the title of such land or irrigation ditches, or any part of the title of such land or irrigation ditches, that may have been made and delivered to the owners or purchasers or other parties interested in the land or irrigation ditches, the title or any part of the title to which is shown by such abstract of title.

Source: L. 1889, p. 309, § 11; R. S. 08, § 5279; C. L. § 5036; CSA, C. 135, § 11; CRS 53, § 113-1-11; C.R.S. 1963, § 113-1-11.

Am. Jur. See 52 Am. Jur.2d, Lost and Destroyed Instruments, § 59.
C.J.S. See 76 C.J.S., Records, § 49.

24-72-112. Public records free to servicemen. Whenever a copy of any public record is required by the United States veterans administration or its successors or any other agency of the government of the United States to be used in determining the eligibility of any person who has served in the armed forces of the United States or any dependent of such person to participate in benefits for such person made available by the laws of the United States in relation to such service in the armed forces of the United States, the official charged with the custody of such public records, without charge, shall provide the applicant for such benefits or any person acting on his behalf, or the representative of such bureau or other agency, with a certified copy of such record.

Source: L. 45, p. 208, § 1; CSA, C. 135, § 12; CRS 53, § 113-1-12; C.R.S. 1963, § 113-1-12.

Am. Jur. See 66 Am. Jur.2d, Records and Recording Laws, § 14.
C.J.S. See 76 C.J.S., Records, § 38.

PART 2

INSPECTION, COPYING, OR PHOTOGRAPHING

24-72-201. Legislative declaration. It is declared to be the public policy of this state that all public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise specifically provided by law.

Source: L. 68, p. 201, § 1; C.R.S. 1963, § 113-2-1.

Am. Jur. See 66 Am. Jur.2d, Records and Recording Laws, § 12.

C.J.S. Sec 76 C.J.S., Records, § § 35-37.

Vital statistics records held confidential and exempt from right to inspect. See *Eugene Cervi & Co. v. Russell*, 31 Colo. App. 525, 506 P.2d 748 (1972).

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Custodian" means and includes the official custodian or any authorized person having personal custody and control of the public records in question.

(2) "Official custodian" means and includes any officer or employee of the state or any agency, institution, or political subdivision thereof who is responsible for the maintenance, care, and keeping of public records, regardless of whether such records are in his actual personal custody and control.

(3) "Person" means and includes any natural person, corporation, partnership, firm, or association.

(4) "Person in interest" means and includes the person who is the subject of a record or any representative designated by said person; except that if the subject of the record is under legal disability, "person in interest" means and includes his parent or duly appointed legal representative.

(5) "Political subdivision" means and includes every county, city and county, city, town, school district, and special district within this state.

(6) "Public records" means and includes all writings made, maintained, or kept by the state or any agency, institution, or political subdivision thereof for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.

(7) "Writings" means and includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics.

Source: L. 68, p. 201, § 2; C.R.S. 1963, § 113-2-2.

Police department files and records showing arrests, convictions, and other information are not public records. *Losavio v. Mayber*, 178 Colo. 184, 496 P.2d 1032 (1972).

24-72-203. Public records open to inspection. (1) All public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise provided by law, but the official custodian of any public records may make such rules and regulations with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.

(2) If the public records requested are not in the custody or control of the person to whom application is made, such person shall forthwith notify the applicant of this fact, in writing if requested by the applicant. In such notification he shall state in detail to the best of his knowledge and belief the reason for the absence of the records from his custody or control, their location, and what person then has custody or control of the records.

(3) If the public records requested are in the custody and control of the

person to whom application is made but are in active use or in storage and therefore not available at the time an applicant asks to examine them, the custodian shall forthwith notify the applicant of this fact, in writing if requested by the applicant. If requested by the applicant, the custodian shall set a date and hour within three working days at which time the records will be available for inspection.

Source: L. 68, p. 202, § 3; C.R.S. 1963, § 113-2-3.

Am. Jur. See 66 Am. Jur.2d. Records and Recording Laws, § § 12, 14-30.

C.J.S. See 76 C.J.S., Records, § § 35-37, 40.

Vital statistics records held confidential and exempt from right to inspect. See Eugene Cervi & Co. v. Russell, 31 Colo. App. 525, 506 P.2d 748 (1972).

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.

(1) The custodian of any public records shall allow any person the right of inspection of such records or any portion thereof except on one or more of the following grounds or as provided in subsection (2) or (3) of this section:

(a) Such inspection would be contrary to any state statute.

(b) Such inspection would be contrary to any federal statute or regulation issued thereunder having the force and effect of law.

(c) Such inspection is prohibited by rules promulgated by the supreme court or by the order of any court.

(2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(I) Records of investigations conducted by or of intelligence information or security procedures of any sheriff, district attorney, or police department or any investigatory files compiled for any other law enforcement purpose;

(II) Test questions, scoring keys, and other examination data pertaining to administration of a licensing examination, examination for employment, or academic examination; except that written promotional examinations and the scores or results thereof conducted pursuant to the state personnel system or any similar system shall be available for inspection, but not copying or reproduction, by the person in interest after the conducting and grading of any such examination;

(III) The specific details of bona fide research projects being conducted by a state institution; and

(IV) The contents of real estate appraisals made for the state or a political subdivision thereof relative to the acquisition of property or any interest in property for public use, until such time as title to the property or property interest has passed to the state or political subdivision; except that the contents of such appraisal shall be available to the owner of the property at any time, and except as provided by the Colorado rules of civil procedure. If condemnation proceedings are instituted to acquire any such property, any owner thereof who has received the contents of any appraisal pursuant to this section shall, upon receipt thereof, make available to said state or political subdivision a copy of the contents of any appraisal which he has obtained relative to the proposed acquisition of the property.

(b) If the right of inspection of any record falling within any of the classifications listed in this subsection (2) is allowed to any officer or employee of any newspaper, radio station, television station, or other person

or agency in the business of public dissemination of news or current events. it shall be allowed to all such news media.

(3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(I) Medical, psychological, sociological, and scholastic achievement data on individual persons, exclusive of coroners' autopsy reports; but either the custodian or the person in interest may request a professionally qualified person, who shall be furnished by the said custodian, to be present to interpret the records;

(II) Personnel files, except applications and performance ratings; but such files shall be available to the person in interest and to the duly elected and appointed public officials who supervise his work;

(III) Letters of reference;

(IV) Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person;

(V) Library and museum material contributed by private persons, to the extent of any limitations placed thereon as conditions of such contributions; and

(VI) Addresses and telephone numbers of students in any public elementary or secondary school.

(b) Nothing in this subsection (3) shall prohibit the custodian of records from transmitting data concerning the scholastic achievement of any student to any prospective employer of such student, nor shall anything in this subsection (3) prohibit the custodian of records from making available for inspection, from making copies, print-outs, or photographs of, or from transmitting data concerning the scholastic achievement or medical, psychological, or sociological information of any student to any law enforcement agency of this state, of any other state, or of the United States where such student is under investigation by such agency and the agency shows that such data is necessary for the investigation.

(c) Nothing in this subsection (3) shall prohibit the custodian of the records of a school, including any institution of higher education, or a school district from transmitting data concerning standardized tests, scholastic achievement, or medical, psychological, or sociological information of any student to the custodian of such records in any other such school or school district to which such student moves, transfers, or makes application for transfer, and the written permission of such student or his parent or guardian shall not be required therefor. No state educational institution shall be prohibited from transmitting data concerning standardized tests or scholastic achievement of any student to the custodian of such records in the school, including any state educational institution, or school district in which such student was previously enrolled, and the written permission of such student or his parent or guardian shall not be required therefor.

(4) If the custodian denies access to any public record, the applicant may request a written statement of the grounds for the denial, which statement shall cite the law or regulation under which access is denied and shall be furnished forthwith to the applicant.

(5) Any person denied the right to inspect any record covered by this part 2 may apply to the district court of the district wherein the record is found for an order directing the custodian of such record to show cause why he should not permit the inspection of such record. Hearing on such application shall be held at the earliest practical time. Unless the court finds that the denial of the right of inspection was proper, it shall order the custodian to permit such inspection and, upon a finding that the denial was arbitrary or capricious, it may order the custodian personally to pay the applicant's court costs and attorney fees in an amount to be determined by the court.

(6) If, in the opinion of the official custodian of any public record, disclosure of the contents of said record would do substantial injury to the public interest, notwithstanding the fact that said record might otherwise be available to public inspection, he may apply to the district court of the district in which such record is located for an order permitting him to restrict such disclosure. Hearing on such application shall be held at the earliest practical time. After hearing, the court may issue such an order upon a finding that disclosure would cause substantial injury to the public interest. In such action the burden of proof shall be upon the custodian. The person seeking permission to examine the record shall have notice of said hearing served upon him in the manner provided for service of process by the Colorado rules of civil procedure and shall have the right to appear and be heard.

Source: L. 68, p. 202, § 4; L. 69, pp. 925, 926, § § 1, 1; C.R.S. 1963, § 113-2-4.

Cross reference. As to service of process, see Rule 4, C.R.C.P.

Am. Jur. See 66 Am. Jur.2d, Records and Recording Laws, § § 12, 31.

C.J.S. See 76 C.J.S., Records, § § 35, 36, 41.

A record may be public for one purpose and not for another, because whether a record is to be regarded as a public record in a particular instance will depend upon the purposes of the law which will be served by so classifying it. *Losavio v. Mayber*, 178 Colo. 184, 496 P.2d 1032 (1972).

Police records showing past arrests, convictions, and other information about individuals should not be open to the scrutiny of the public at large. *Losavio v. Mayber*, 178 Colo. 184, 496 P.2d 1032 (1972).

However, when lists of conviction records of prospective jurors are given to the prosecution, they can no longer be classified as internal matters affecting only the internal operations of the police department. *Losavio v. Mayber*, 178 Colo. 184, 496 P.2d 1032 (1972).

Defenders entitled to receive such information. Police records are not public records open to inspection by general public, where district attorney's office regularly receives information from such records, defense attorneys, including public defender's office, are entitled to obtain such information in possession of prosecution. *Losavio v. Mayber*, 178 Colo. 184, 496 P.2d 1032 (1972).

24-72-205. Copies, print-outs, or photographs of public records. (1) In all cases in which a person has the right to inspect any public record, he may request that he be furnished copies, print-outs, or photographs of such record. The custodian may furnish such copies, print-outs, or photographs for a reasonable fee, to be set by the official custodian, not to exceed one dollar and twenty-five cents per page unless actual costs exceed that amount. Where fees for certified copies or other copies, print-outs, or photographs of such record are specifically prescribed by law, such specific fees shall apply.

(2) If the custodian does not have facilities for making copies, print-outs, or photographs of records which the applicant has the right to inspect, the

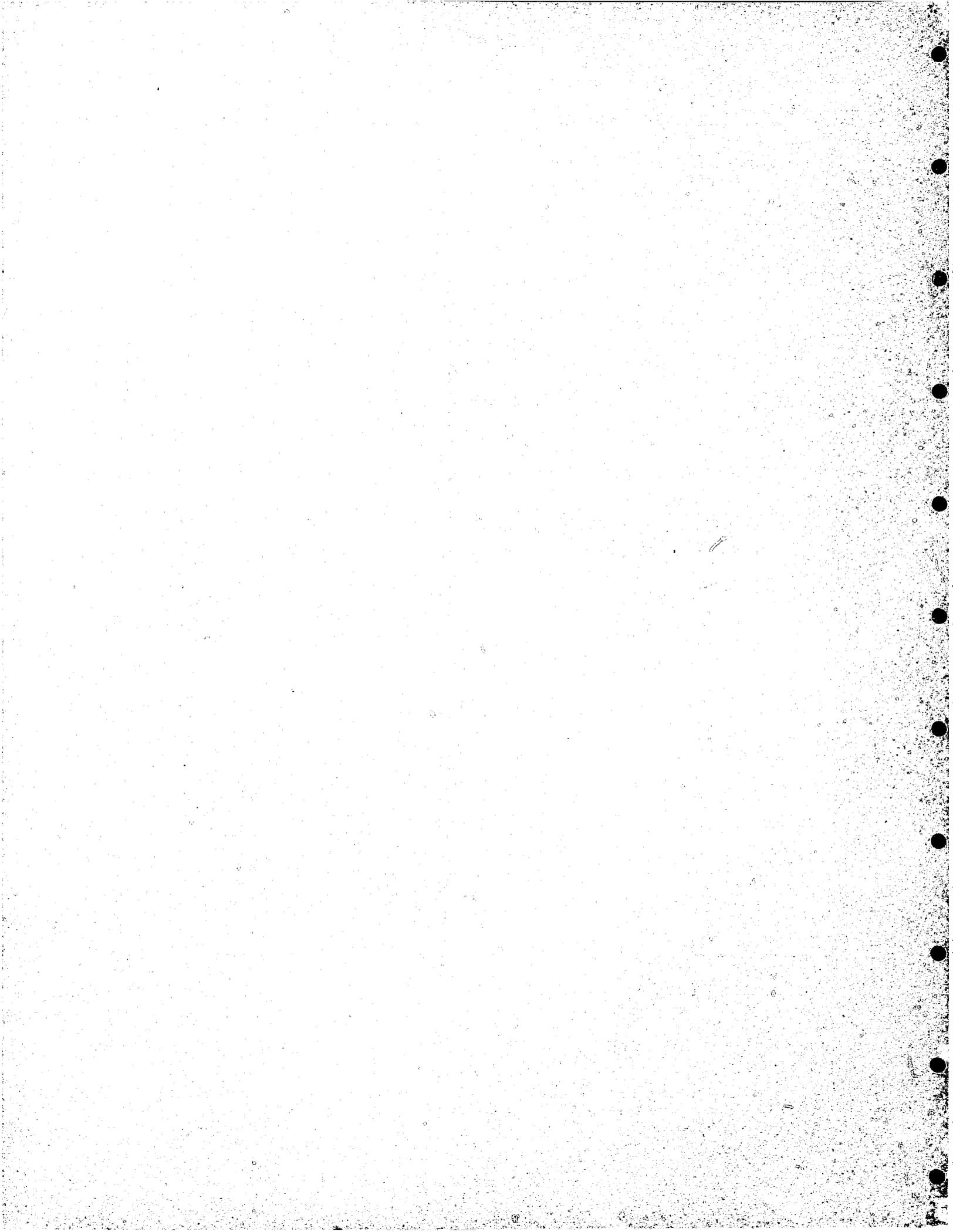
applicant shall be granted access to the records for the purpose of making copies, print-outs, or photographs. The copies, print-outs, or photographs shall be made while the records are in the possession, custody, and control of the custodian thereof and shall be subject to the supervision of such custodian. When practical, they shall be made in the place where the records are kept, but, if it is impractical to do so, the custodian may allow arrangements to be made for this purpose. If other facilities are necessary, the cost of providing them shall be paid by the person desiring a copy, print-out, or photograph of the records. The official custodian may establish a reasonable schedule of times for making copies, print-outs, or photographs and may charge the same fee for the services rendered by him or his deputy in supervising the copying, printing-out, or photographing as he may charge for furnishing copies under subsection (1) of this section.

Source: L. 68, p. 204, § 5; C.R.S. 1963, § 113-2-5.

Am. Jur. See 66 Am. Jur.2d. Records and
Recording Laws, § § 13, 14.
C.J.S. See 76 C.J.S., Records, § § 35, 38.

24-72-206. Violation - penalty. Any person who willfully and knowingly violates the provisions of this part 2 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

Source: L. 68, p. 204, § 6; C.R.S. 1963, § 113-2-6.



APPENDIX D

CBI USER AGREEMENT

COLORADO BUREAU OF INVESTIGATION

EXCHANGE OF COMPUTERIZED CRIMINAL HISTORIES AGREEMENT

The Colorado Bureau of Investigation, hereafter called CBI, a criminal justice agency serving as the National Crime Information Center (NCIC) control terminal agency in Colorado, and as the operating agency of the Colorado Crime Information Center (CCIC) system, agrees to furnish to _____, hereafter called User, such criminal history information as is available in NCIC/CCIC files subject to the following provisions.

User agrees to abide by all present rules, policies and procedures of the NCIC and the CCIC as approved and procedures hereinafter approved by the NCIC Advisory Policy Board and adopted by the NCIC and/or CBI.

CBI reserves the right to immediately suspend furnishing criminal history data to User when either the security or dissemination requirements approved by the NCIC Advisory Policy Board and adopted by the NCIC and/or CBI are violated. CBI may reinstate the furnishing of criminal history data in such instance upon receipt of satisfactory assurances that such violation has been corrected.

Either CBI or User may, upon (30) days notice in writing, discontinue service.

COLORADO BUREAU OF INVESTIGATION

EXCHANGE OF COMPUTERIZED CRIMINAL HISTORIES AGREEMENT

Page Two

This agreement will become effective on _____.

In WITNESS WHEREOF, the parties hereto caused this agreement to be executed by the proper officers and officials.

COLORADO BUREAU OF INVESTIGATION

USER AGENCY

BY _____

BY _____

Title

Title

Agency

Agency

Date: _____

Date: _____

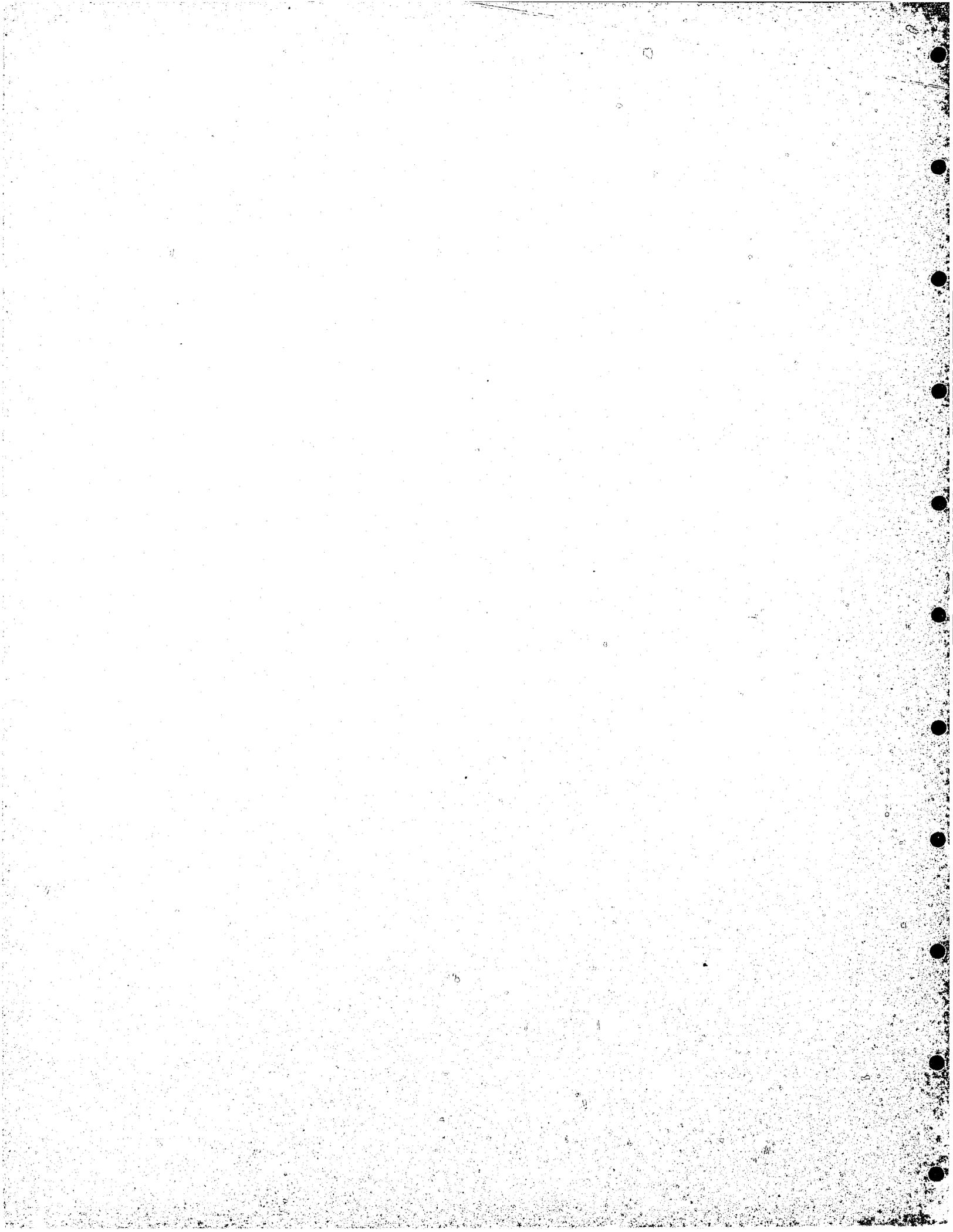
Notary Public

Notarial Seal

My Commission Expires:

APPROVED:

Executive Director
Department of Local Affairs



APPENDIX E

EXISTING CBI ACCESS AND REVIEW PROCEDURES

POLICY: VIEWING A RECORD OF ARREST

The subject of a criminal arrest record is entitled to view that record and to challenge its accuracy and completeness.

Procedure

The person asking to see his own record must be identified by fingerprints in the appropriate law enforcement office, during normal business hours.

A fingerprint identification technician will verify the identity of the person wishing to view his own record by comparing the prints taken with the prints on file.

The subject of the record may look at his record and take notes from it. A photocopy of the record will not be provided except for the purpose of challenge by the subject of the record. Then only that part of the record challenged will be copied. The person whose prints are taken will sign the fingerprint card on which his prints are placed. The notations made on that card will indicate the date and time the person viewed his record. The card will then be made a part of the person's record.

A person may also view his FBI rap sheet if it is at the office visited. He will also be permitted to view a copy of the FBI regulation which describes the procedure by which he may obtain a copy of the FBI record.

A preprinted form will be available for completion by the person who wishes to challenge any part of his record.

The subject of a record may challenge its accuracy and its completeness. He will be provided with paper and pencil with which to describe his complaint. If he is unable to write clearly or coherently, he will be provided with stenographic help to prepare his statement in written form for signature.

That complaint will be investigated without delay. A written report will be prepared describing the action taken by the respective agency with regard to the challenge.

Challenge of the Record

A chronological log will be maintained by the respective law enforcement agency detailing the number of complaints made regarding file accuracy and/or completeness, together with a summary of action taken regarding such complaints.

The subject of a record who is dissatisfied with response to such a complaint may carry the action taken to the person in charge of the respective records keeping unit. If the problem is unresolved at that level, the complainant may appeal the matter to the chief executive officer of the agency keeping the record.

If the complainant is dissatisfied with the resolution of his complaint at that level, he may appeal the question to the chief executive officer of the political jurisdiction in question (city, county, state), or to his designated representative for consideration.

It is presumed that if the complainant is not satisfied with the resolution of his problem at that level, that he would seek redress in any court of jurisdiction.

Purpose of this Regulation

Inaccurate or incomplete police records serve no purpose for law enforcement and can represent a severe safety hazard to criminal justice officials.

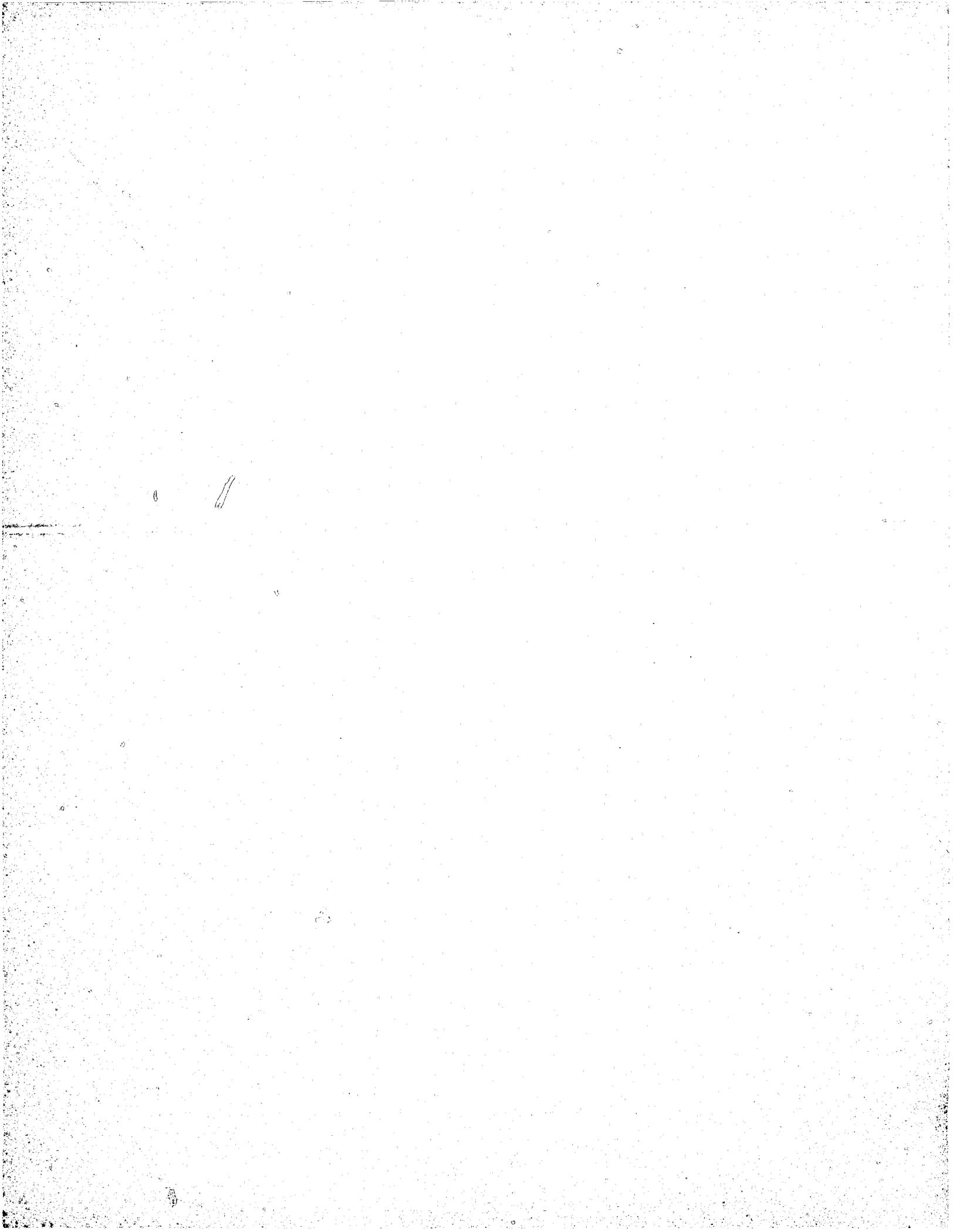
This regulation has been designed to help insure that records of criminal arrest and subsequent dispositions maintained by Colorado law enforcement agencies are as complete and as accurate as can reasonable be expected.

Responsibility for Record Accuracy

Each record in CBI criminal files is identified with the agency that collected and submitted the record to the CBI crime information section. The submitting agency alone is responsible for the accuracy of the record it submitted.

Responsibility for Record Accuracy (Cont'd.)

The CBI assumes responsibility for the accuracy of the entry of records into the automated records system from source documents submitted by other law enforcement agencies. Positive identification of each record subject is assured by fingerprint examination at the CBI by fingerprint identification technicians.



END