

S T A T E O F F L O R I D A

PRIVACY AND SECURITY PLAN
FOR
CRIMINAL HISTORY RECORD INFORMATION



Submitted
September 14, 1976

46676

DEPARTMENT OF ADMINISTRATION
DIVISION OF PLANNING
BUREAU OF CRIMINAL JUSTICE PLANNING AND ASSISTANCE
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46676

#76-SS-99-6020 - Privacy and Security Plan

The goal of this project was to develop a Master Plan for Florida in compliance with Federal Department of Justice regulations for the Privacy and Security of Criminal History Record Information. Since "Privacy and Security" became such a controversial issue, numerous problems were encountered. LEAA's late award of the grant, deadline changes for Plan submission, and regulation alterations in mid-stream all helped to create chaos in Florida's Plan development. Additionally, the Florida legislature failed to authorize the necessary positions as included in the original project budget. Consequently, Florida requested and received a grant adjustment modifying the implementation of the Plan, several grant period extensions, a sole source procurement, and several contract modifications.

Florida's Plan was finally submitted on October 2, 1976 and was approved on January 7, 1977 with one special condition pertaining to an individual's appeal rights for correcting his criminal history record. A response to that special condition is being prepared and will be forwarded to LEAA from Lt. Governor J. H. "Jim" Williams around July 15, 1977.

Of the \$19,933 awarded, \$19,255.80 was expended by June 30, 1977, leaving a balance of \$677.20 to be refunded to LEAA. A final financial report will be provided LEAA in August with other Bureau reports from the month of June.

Attached is a copy of Florida's Privacy and Security Plan, as approved.

HPG/cm

PM

APPENDIX 19. DISCRETIONARY GRANT PROGRESS REPORT
LEAA FORM 4587/1

DMD APPROVAL NO. 43-80823

 U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION		DISCRETIONARY GRANT PROGRESS REPORT	
GRANTEE Florida Bureau of Criminal Justice Planning and Assistance		LEAA GRANT NO. 76-SS-99-6020	DATE OF REPORT 7/7/77
IMPLEMENTING SUBGRANTEE Florida Bureau of Criminal Justice Planning and Assistance		REPORT NO. 1	
TYPE OF REPORT <input type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL REQUEST <input checked="" type="checkbox"/> FINAL REPORT			
SHORT TITLE OF PROJECT Privacy and Security Plan		GRANT AMOUNT \$19,933	
REPORT IS SUBMITTED FOR THE PERIOD 7/1/75		THROUGH 6/30/77	
SIGNATURE OF PROJECT DIRECTOR		TYPED NAME & TITLE OF PROJECT DIRECTOR	
		Charles R. Davoli, Bureau Chief	
COMMENCE REPORT HERE (Add continuation pages as required.) <p style="text-align: center;">See Attached.</p> <p style="text-align: right; font-size: 2em; font-weight: bold;">ACQUISITION</p>			
RECEIVED BY GRANTEE STATE PLANNING AGENCY (Official)			DATE 7/28/77

LEAA FORM 4587/1 (REV. 10-75)

REPLACES EDITION OF 1-73 WHICH IS OBSOLETE.

(10)

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The development of this plan was supported by a contract awarded to National Scientific Corporation, Arlington, Virginia, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

I

I N T R O D U C T I O N

The Florida Privacy and Security Plan is intended to be used for statewide compliance with Department of Justice Regulations, Title 28, May 20, 1975 and March 19, 1976 [28CFR Part 20], regulations, commentary and relevant Florida statutes.

The requirement for the Plan, and associated procedures, is derived from Section 524b of the Crime Control Act of 1973 [PL93-83] which provides that:

(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Administration shall assure that the security and privacy of all information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

The use of criminal history information for "other lawful purposes" has been deemed by the Attorney General of Florida, to be particularly significant for the application of privacy regulations in Florida.

Section 20.21 of Title 28 provides that a "Plan shall be submitted to LEAA by each state . . . to set forth" operational procedures related to the privacy and security of criminal history records.

OBJECTIVES OF THE PLAN

All criminal history record information, collected, stored, or disseminated under the provisions of this plan shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included in the record. The collection, storage and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current. The State of Florida shall assure that the security and privacy of all such information is adequately provided for and that, consistent with FS119, this information shall only be used for law enforcement, criminal justice and other lawful purposes. In addition, an individual who believes that Criminal History Record Information concerning him contained in a manual or automated system is inaccurate, incomplete, or maintained in violation of the provisions of the plan shall, upon satisfactory verification of his identity, without undue burden to either the individual or the criminal justice agency, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

An objective of the Plan is to encourage uniform applications of the law and federal regulations and to provide a forum for the continuing examination of policy issues related to privacy and security.

This plan shall provide a basis for identifying the need for security and privacy legislation for the State of Florida and for operating rules and procedures.

Achieving a balance between the public interest and individual rights is a continuing objective of the Plan. This is reflected in current procedures and will continue to be reviewed in the context of the policy issues, both procedural and economic, which have been identified for future resolution.

SCOPE OF THE PLAN

It is planned that the procedures, when implemented, will apply to the total spectrum of criminal justice activities in Florida and to the manner in which the system interacts with the community. Privacy and security considerations are being included in local CJIS comprehensive plans and in Offender-In-Process/Case-In-Process systems which are under development.

Although the applications of procedure will vary, the principles of privacy and security apply to each of the criminal history record users. The scope of the interactive relationships associated with the in-process flow of information is indicative of the need for the total system approach in the Privacy and Security Plan. The application of procedures will take account also of the principles of open access of public and judicial proceedings.

The plan provides a discussion of current procedures, current and proposed rules and the policy issues to be resolved within resource and statutory constraints. The management of criminal record information within Florida is founded primarily on the Florida Public Records law and the Opinions of the Attorney General of Florida pertaining to the public character of criminal history records. This version of the Plan must, therefore, be considered as an initial good faith effort to meet the intent and the requirements of the federal regulations consistent with the Florida laws and practice. Florida reserves the right to continue to examine privacy and security procedural problems and to address additional issues as they arise in the review and implementation of the Plan.

ISSUES

The criminal justice planning process in Florida includes extensive local and public participation in the development of concepts and procedures. The results of this process in developing the Privacy and Security Plan, have included the identification of specific legislative and procedural issues and needs. These issues and needs are related to both concepts and responsibilities and apply to both the state and local management of criminal history information.

Major questions still exist concerning, for example: specific dissemination practices and dissemination log procedures; the nature of audits and the responsibilities for auditing; the actual requirement for user agreements and the manner in which these agreements are arranged; the manner in which Florida will interact with other states which have different rules of access to criminal history information; the authority and responsibility for disposition reporting and the manner in which delinquent disposition reporting is managed; the relationship of sealing and expungement practices to the privacy concept and the sufficiency of current law and practices in these areas.

In developing the Plan the impact of the regulations and the need for operational procedures have been more clearly perceived. At the same time the difficulties of achieving ultimate solutions have been acknowledged. The review of the issues has been a constructive process which has suggested areas of legislative need particularly a review of FS119.

The Florida Public Record Statute (FS119) includes as public records "material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."¹ It includes records of state, county, and municipal agencies and provides that the records shall be open for a personal inspection by any person of Florida. The statute exempts from this inspection records which at present may specifically be provided "by law to be confidential or which are prohibited from being inspected by the public whether provided by general or special laws of the legislature...."² In 1957, the Attorney General held that "FBI records in the sheriff's office and criminal records in the sheriff's office are public records and are available to the public and press if desired."³

¹ Chapter 119.011(1) Florida Statutes

² Chapter 119.07(2a) Florida Statutes

³ Opinion of Attorney General, 057-157, p. 191

In 1969, the Florida District Court of Appeals, using very similar language, reached the same conclusion.¹ Additionally, in 1972 the Attorney General reaffirmed the 1957 opinion in determining that "...records of arrest (excluding those relating to juvenile offenses) ...are public records and would be available to the public pursuant to Chapter 119, Florida Statutes, absent local or special law to the contrary."²

This structure covering criminal history record information has been reaffirmed by the Attorney General in guidance to Florida agencies and in presentations to the Florida legislature and the Department of Justice in 1975 and 1976. Additional relevance of the Florida Statute is described in Chapters IV, V and VIII.

Based on these factors, and following the recommendation of the CJIS Council,³ Florida will initiate the legislative review actions needed to determine which areas require the support of additional statutory provisions.

The current status of privacy and security provisions in Florida is summarized in Figure 1-1 along with identified needs or issues and a listing of options which will be reviewed for future action.

¹ State vs. Crawford, 257 So. 2nd 898 (1972)

² Opinion of Attorney General, 072-168

³ The CJIS Council is described on Page II-9.

FIGURE 1-1

SUMMARY OF ISSUES AND PLANNING OPTIONS

TITLE 28 D.O.J. REGULATIONS		STATUS IN FLORIDA		FLORIDA PRIVACY AND SECURITY PLAN PROVIDES	
SEC.	Provision or Requirement	Current Status	Additional Need or Issue	Procedures or Option(s)	In Chapter
20.3	Definitions	<ul style="list-style-type: none"> • Various definitions in Statutes, Rules, practice and opinions • Definitions in Title 28 adopted by reference in FDCLE Rules 	Need for eventual agreement or consensus on controversial definitions	<ul style="list-style-type: none"> • Use of definitions from Sec. 20.3, Florida Statutes and PL 93-83. • Continuing review of definitions as applicable to Florida. 	Appendix A
20.20	Applicability of Federal Regulations <ul style="list-style-type: none"> - LEAA Funded - Court Exceptions - Disclosure of individual's current involvement in Criminal Justice System - Other exceptions 	Florida meets intent of regulations. <ul style="list-style-type: none"> • Intends that applicability extend beyond LEAA funded activities • Observes information disclosure provisions • Specifically cites court exceptions 	<ul style="list-style-type: none"> • Continue to review the issues of Judicial Branch participation in CJIS matters. • The manner in which other CJIS, SJIS OBTS or OBCIS programs are formulated should be jointly reviewed 	<ul style="list-style-type: none"> • Continue CJIS Council as established in Statutes [FS 943] • Expand authorities, responsibilities and membership of CJIS Council. • Consider CJSIS commission as proposed in communique [April 1976]. 	I, II II II
20.21	Completeness and Accuracy <p>(1) Complete records maintained preferably at a central repository</p> <p>Records to include disposition information within 90 days</p> <p>Records to be accurate based on validation and audit</p> <p>Agencies to make inquiry to Central Repository prior to dissemination</p> <p>Errors to be corrected and prior recipients notified of correction</p>	In Compliance In Compliance In Compliance In Compliance In Compliance	<ul style="list-style-type: none"> • Need some more specific policy statement and procedures concerning disposition reporting and delinquent disposition monitoring • Need additional specific statements on responsibilities for accuracy • Need for specific designation of options for audit responsibilities 	<ul style="list-style-type: none"> • Current and proposed policy and rules • Continuing revision of FDCLE rules • Review need for additional legislation, policy statements • Review need for administrative agreements or statute for audit program 	III VI

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FIGURE 1-1.

TITLE 28 D.O.J. REGULATIONS		STATUS IN FLORIDA		FLORIDA PRIVACY AND SECURITY PLAN PROVIDES	
SEC.	Provision or Requirement	Current Status	Additional Need or Issue	Procedures or Option(s)	In Chapter
			<ul style="list-style-type: none"> Continuing refinement of expungement policies, practices. 	Modified expungement order.	III, Appendix B
20.21 (b)	<p>Limitations of Dissemination</p> <p>(1)(4) Designates categories of eligible recipients of <u>non-conviction</u> data</p>	<ul style="list-style-type: none"> Attorney General opinion provides for open access of Criminal History Record Information Current interpretation is that non-conviction records are also open for public access 	<p>To continue to assess needs of CHRI users and actual authority for access</p> <p>To assess relationship between open access and record control</p> <p>To identify the extent to which local jurisdictions may establish more restrictive controls on dissemination</p>	<ul style="list-style-type: none"> Classification of users (option) Statewide Standards for Access to Information (option) User Agreements (option) Additional Attorney General opinion requested by FDCLE in June 1976 concerning non-conviction data Revision to FS119 which would exclude non-conviction data. Provision in P/S Plan or FS119 to provide for local options (option). 	IV
20.21 (c)	<p>General Policies on Dissemination of Criminal History Record Information</p> <p>(1) Limits use</p> <p>(2) Limits confirmation of record existence or non-existence</p>	<p>FDCLE Rules exceed federal requirements in this category</p> <p>Modification of dissemination policies may be needed in terms of Attorney General opinions</p>	<p>Additional refinement of dissemination logs</p> <p>Notification to all users of rules, policies and procedures</p>	<p>Dissemination records (logs) suggested</p> <p>Notice of procedures for all participants suggested</p> <p>Education program suggested</p>	IV IV VIII
20.21 (d)	Limits dissemination of juvenile record information	In Compliance	Continuing review of record management policies concerning juveniles	Continuing review with local jurisdictions of needs and methods associated with juvenile records suggested	IV

FIGURE 1-1

TITLE 28 D.O.J. REGULATIONS		STATUS IN FLORIDA		FLORIDA PRIVACY AND SECURITY PLAN PROVIDES	
SEC.	Provision or Requirement	Current Status	Additional Need or Issue	Procedures or Option(s)	In Chapter
20.21	Audit				
	(a) Systematic Audit to insure accuracy	In compliance			VI
	(d) Annual audit to evaluate compliance with all procedures and system performance	Compliance dependent on resources; potential capability exists in state agencies	<ul style="list-style-type: none"> • Need for additional auditor resources • Additional identification of FDCLE role in audit mechanism 	<ul style="list-style-type: none"> • Option suggested: <ul style="list-style-type: none"> - Audit Elements - Audit Standards - Audit Procedures - Audit Staff Options <ul style="list-style-type: none"> -- Funding -- Staff Supplement -- Separate Annual Audit Team -- Contract Audit -- Audit Team Mix -- Auditor General 	VI
20.21 (f)	Security	In Compliance [Security Compliance summary is portrayed in Figure 7-1 on Pages VII 2, 3]	Additional Security legislation may be desirable Extended use of user agreements desirable Additional training may be desirable Additional audit procedures are needed	<ul style="list-style-type: none"> • Standardized statewide security program as an extension of current FDCLE standards to be considered. Any program will be dependent on resources Described in Plan (20.21 above)	VI
20.21 (g)	Access and Review				
	Verification of Identity	In Compliance			
	Review of Record without undue burden to individual or agency	In Compliance with regulation and NAC Standard	Desirable to have uniform formats for inquiry and appeal throughout Florida system	Example formats cited	V
	Obtain a copy	Exceeds Requirement			
	Administrative Review and Correction	In Compliance	Need more formalized appeal procedure than currently exists	Appeal Procedure and formats proposed	
	Administrative Appeal	In Compliance			

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FIGURE 1-1

TITLE 28 D.O.J. REGULATIONS		STATUS IN FLORIDA		FLORIDA PRIVACY AND SECURITY PLAN PROVIDES	
SEC.	Provision or Requirement	Current Status	Additional Need or Issue	Procedures or Option(s)	In Chapter
20.21 (g) Cont.	Providing names of non-criminal justice prior recipients	In Compliance	Need for more detailed procedure than currently exists but cost is questioned	Dissemination logs being developed	IV
	Notification of corrections to prior criminal justice agency recipients	In Compliance		Public education program is suggested which exceeds requirement but is resource dependent	VIII
20.22	Certification of Compliance <ul style="list-style-type: none"> ● Outline of actions taken ● Access and review procedures operational ● Description of attempted legislation or executive orders ● Description of steps taken to overcome fiscal, technical or administrative barriers ● Description of existing system capability and upgrade efforts ● A listing of categories of non-criminal justice dissemination 	Compliance Interim compliance, modifications planned Compliance Compliance Compliance Compliance at central repository	Needs described in Chapter V Organizational issues and needs cited, organizational formats to be resolved Need for additional resources [Staff] Information and authority needs cited Designation of responsibilities for implementing and updating P/S Plan	<ul style="list-style-type: none"> ● Descriptions of current actions in each chapter ● Additional staffing requested by FDC/E ● Legislation cited; CJIS coordination and sharing concept cited ● Judicial-Executive Relationship under continuing review. ● System descriptions Capabilities and needs cited ● Categorization and standards described as options ● Procedures and formats suggested ● Revised rules and practices including charges for record information 	I - VII V I - VIII I - VII IV II - VIII

II

ORGANIZATIONAL COMMITMENT

The successful development and implementation of the Privacy and Security Plan will require both legislation and organizational commitments, which are directed toward consistent practices and procedures. Although a considerable amount of relevant organizational structure and administrative authority already exist, it has become evident that additional specific designations of responsibilities are needed. During the preparation of the Plan discussions were held with the Lt. Governor concerning concepts, authorities and strategies. The executive objective¹ in Florida includes an interest in having extensive participation in the development and the continuing refinement of the Plan. This will insure that designated procedures and responsibilities are practical for all components of the Florida system. The processes of disposition reporting and auditing for example are system needs which will require the development of compatible state and local interests.

REQUIREMENTS

In the process of local and organizational review of the Plan, a number of requirements have been identified related to organizational responsibilities for functions which are inherent in the management and implementation of the Privacy and Security Plan. Examples include the following:

- Insure that system audits are conducted.
- Establish standards for non-criminal justice agency access to criminal history information in accordance with Florida statutes and the federal regulations.

¹The prerogatives of the Governor in relation to the administration of the Privacy and Security Plan are noted in Section 20.21 of D.O.J. Title 28 and the associated commentary on Section 20.21. In Florida executive decisions include the Governor and Cabinet.

- Augment procedures for individual challenge, correction and appeal.
- Prepare an annual revision of the Privacy and Security Plan.
- Report annually to the Governor on the status of the privacy and security of criminal history records information and other related criminal justice information system matters.
- Establish authority and responsibility for disposition reporting and follow up.

Audits

In order to insure system conformance with the operational procedures of the Privacy and Security Plan, responsibility will be established for regular and periodic audits to be conducted by the criminal justice system agencies or by "outside" reviewers. In the event discrepancies are identified a schedule for corrective action will be issued and monitored. [Section 20.21(a)(2); 20.21(e) D.O.J. Reg. Title 28].

Access by Non-Criminal Justice Agencies

Access and dissemination standards will be developed as needed to provide consistent guidance for determining the conditions under which non-criminal justice agencies will have access to criminal history record information. The standards and procedures will be developed in accordance with the provisions of Chapters 119FS, 120 FS and sections 20.21(b)(c)(d) of Title 28 as appropriate. Particular attention will be directed to non-conviction data.

Augment Procedures for Individual Challenge, Correction and Appeal

Within the procedure described in this Plan for the "Individual Right to Access and Review" is the right to appeal a decision by a criminal justice agency not to make requested changes.

Procedures may be established for reviewing unresolved requests in order to effect the provisions of FDCLE Rule 11C-8.01 and to comply with the provisions of Section 20.21(g)(3) D.O.J. Title 28.

Annual Plan Revision

An annual revision to the Privacy and Security Plan will be developed and presented to the Governor and LEAA for approval. Modifications will be based on the year's assessment of progress made in meeting the plan's objectives, problems encountered, and new ideas developed. [Section 20.23 D.O.J. Title 28]

Annual Report

An annual report on the conduct of activities proposed within the Annual Plan will be submitted to the Governor for his review. Included will be an assessment of the degree to which objectives were reached, a listing and discussion of problems that became prominent, incidents worthy of note, new developments that have occurred, statistical and fiscal reporting data concerning implementation and recommended actions. Copies will be made available to the Judiciary and Legislature. This activity is a Florida initiative and is consistent with current practice among Florida criminal justice activities. FDCLE, for example, reports annually to the Governor in accordance with 943.03(9) FS.

Disposition Reporting

Specific legislative authority will be sought to augment and strengthen the Florida disposition reporting process. This will provide for the designation of responsibilities for disposition reporting at the various levels of offender processing and will define the standards and schedules for delinquent disposition monitoring and follow up. This legislative action will be designed to supersede current procedures through the adaptation of the shared information concepts outlined in the recent joint communique developed by all of Florida's criminal justice system components. [Section 20.21(a)(1) D.O.J. Title 28]

CURRENT STATUS

The existing structure of Statutes, Executive Orders and operating practices provides a high degree of compliance with the federal regulations. The organizational policy issues result from requirements which are not specifically defined at present. Current relevant authorities and responsibilities of the FDCLE, the CJIS Council and the BCJPA are described below.

The Florida Department of Criminal Law Enforcement

The State Central Repository for the collection, maintenance and dissemination of criminal history information carries major operational responsibility for the actions and procedures described in the Privacy and Security Plan. Specific powers and areas of responsibility of the Florida Department of Criminal Law Enforcement are included in Chapter 943 FS. In addition to its other authorities the Department "may make and enter into all contracts and agreements with other agencies..." as the department determines appropriate to accomplish its mission.

It has the capacity to provide criminal identification and criminal history record services to criminal justice agencies in the State. The Plan assumes that a complete and accurate record of the individual subject will be maintained at the central repository (FDCLE) and that each of the other components of the criminal justice system will contribute to the record through the offense and disposition reporting mechanisms of the State. These are to be additionally refined.

The Plan provides that dissemination to non-criminal justice agencies will be accomplished after an inquiry to the State repository and that this inquiry-dissemination process will be recorded at both the local and State level. The immediate operational information requirements of local law enforcement and prosecution, associated with, for example, detention, diversion or bail bonding will continue to be served by local information and

the simultaneous acquisition of wanted/warrant information. Fingerprint submission to FDCLE, following arrests, enables the local jurisdiction to acquire a current, complete criminal history record, annotated, if appropriate, by the State repository, to reflect interim dispositions.

The organization of the Florida Department of Criminal Law Enforcement is included in Figure 2-1. Within the FDCLE, the Division of Criminal Justice Information Systems has primary concern with central repository matters. The organization of this Division is illustrated in Figure 2-2.

Crime Information Bureau

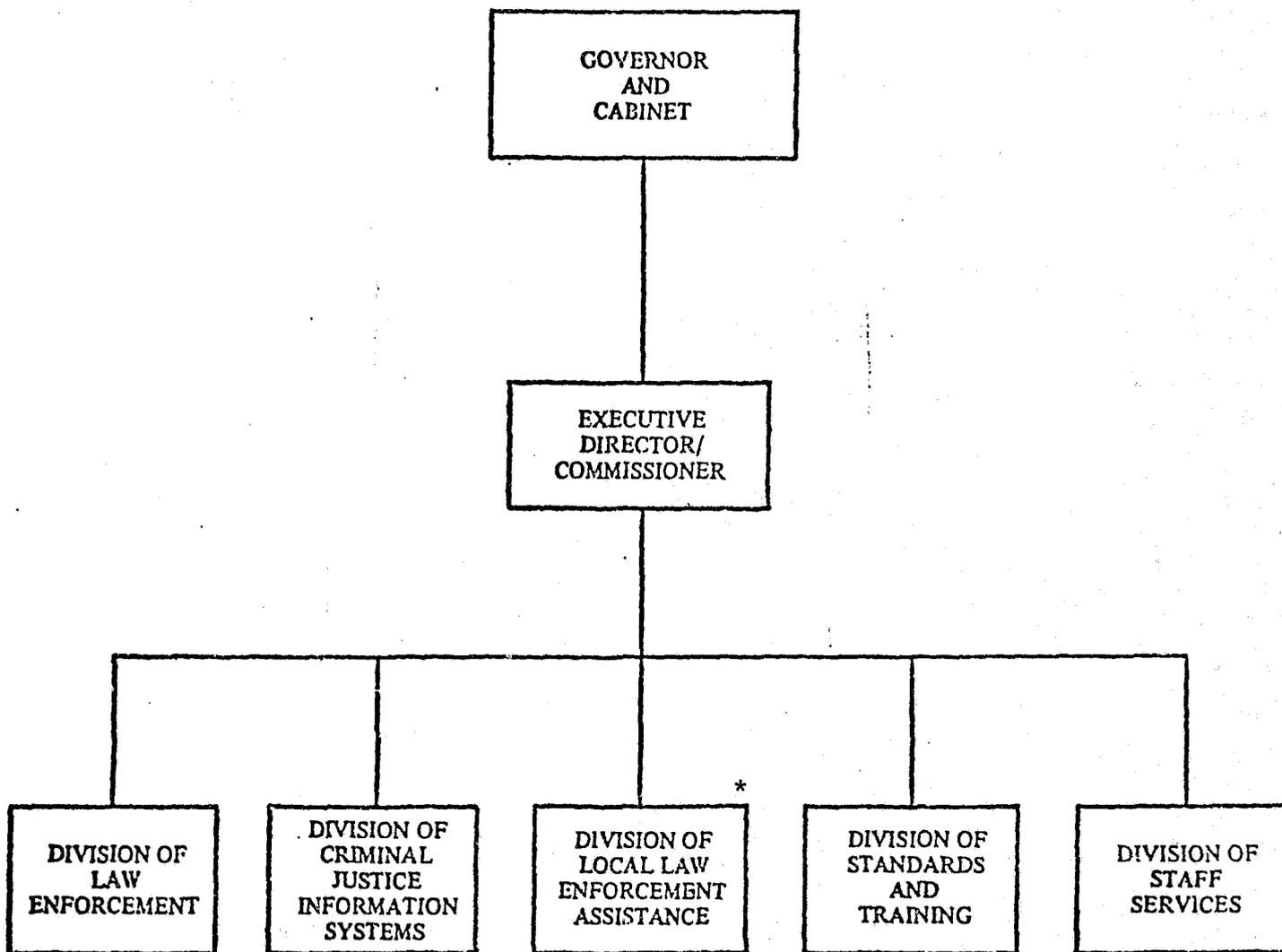
The Crime Information Bureau (CIB) serves as the central state identification center for adult offenders and provides the link between the local criminal justice agencies and the FBI Identification Division. Its responsibilities include the collection and compilation of information as it occurs within the criminal justice system. This information is then disseminated, routinely and by special request, to the criminal justice community and other agencies authorized by federal and state statutes. Figure 2-3 illustrates the process.

The Bureau is made up of 124 positions divided into the Identification, Data Input Monitoring, and Special Services Sections. The Identification Section provides technical fingerprint expertise in classifying the arrest fingerprint cards which are not identified with a prior record and through characteristic comparison provides positive identification of incoming arrest fingerprint cards which are to be added to an existing criminal history record.

The Data Input Monitoring Section records the arrest data from the incoming fingerprint cards and either establishes a record for a new offender or adds to an existing record using standardized codes developed by the National Crime Information Center's (NCIC)

FIGURE 2-1

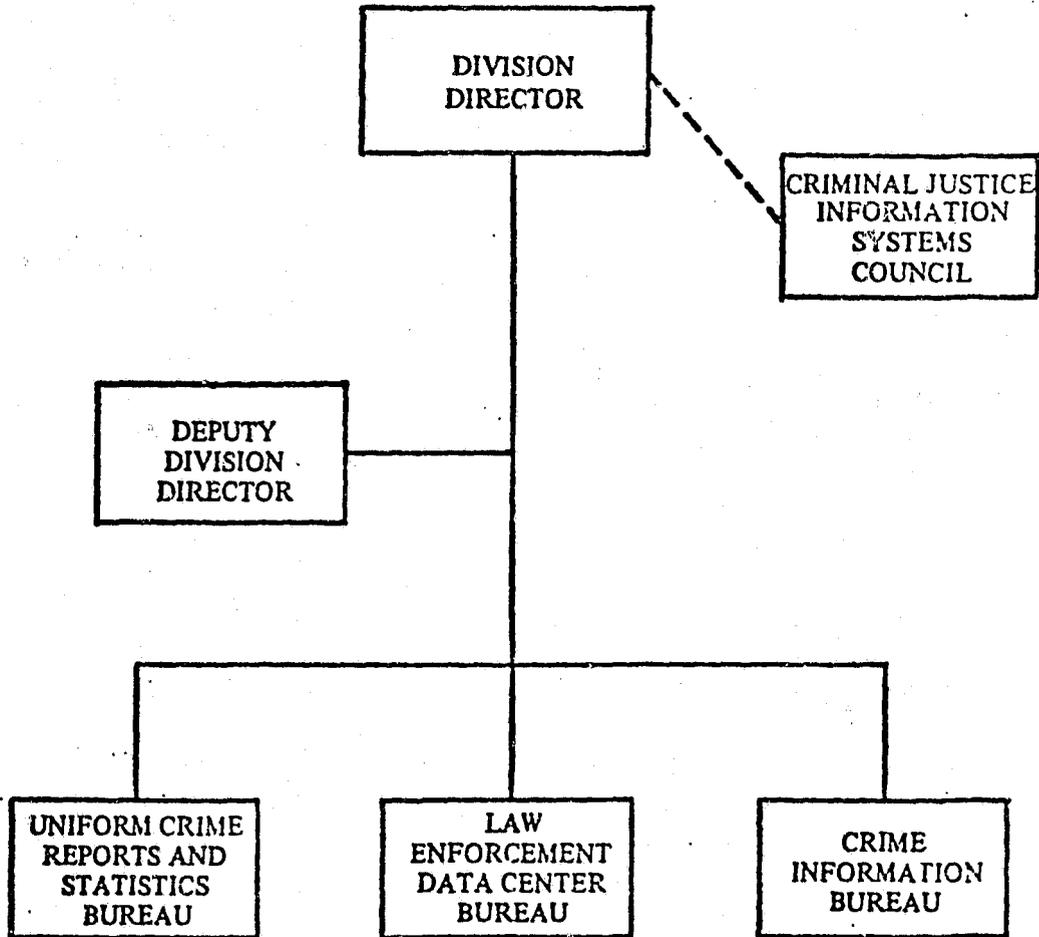
FLORIDA DEPARTMENT OF CRIMINAL LAW ENFORCEMENT
ORGANIZATIONAL STRUCTURE

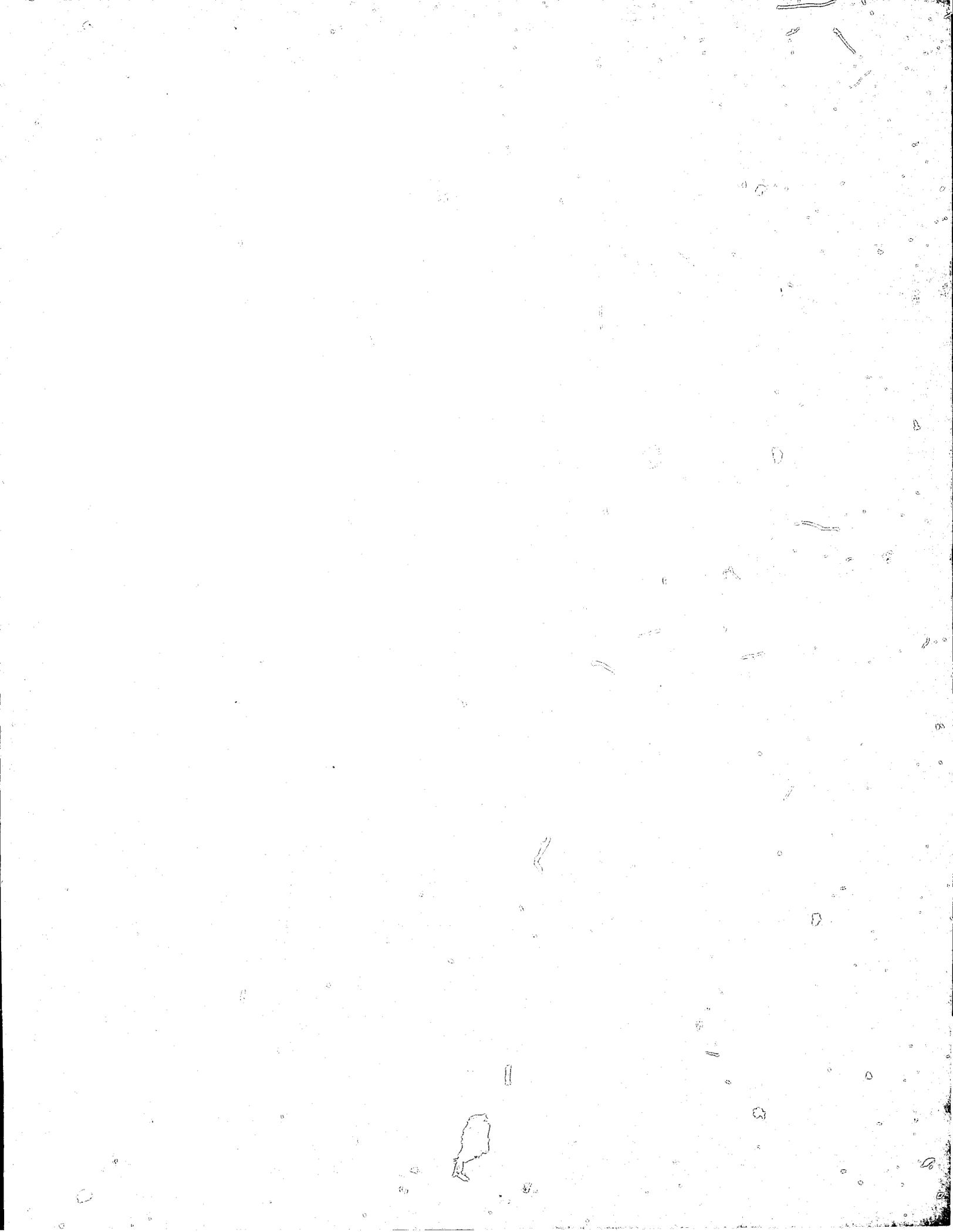


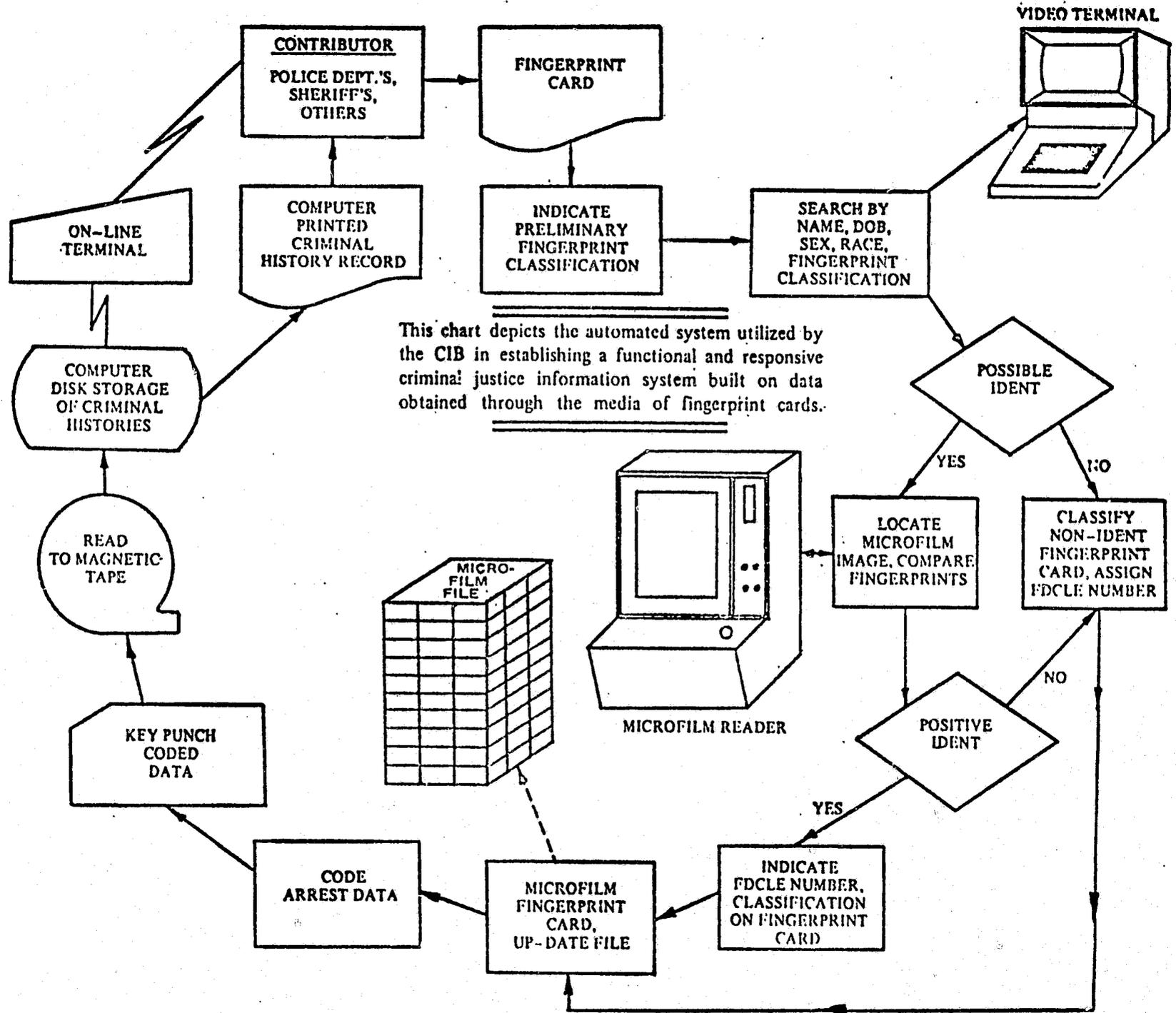
*When Operational

FIGURE 2-2

DIVISION OF CRIMINAL JUSTICE INFORMATION SYSTEMS
ORGANIZATIONAL STRUCTURE







This chart depicts the automated system utilized by the CIB in establishing a functional and responsive criminal justice information system built on data obtained through the media of fingerprint cards.

FIGURE 2-3
Crime Information Bureau Process

Computerized Criminal History (CCH) Program. This section also adds disposition data, incarceration and supervisory statuses (probation, parole, work release, incarceration, parole, etc.) received from the FBI Identification Division which reflects national criminal history activity. The data recorded by this section is then entered into the Computerized Criminal History System (CCH) by the Law Enforcement Data Center Bureau.

The Special Services Section provides twenty-four hour response coverage for criminal history information to criminal justice agencies nationwide along with physical security of the FCIC building. The section also provides authorized non-criminal justice agencies with criminal history record checks on persons seeking employment requiring licensing by the State.

Law Enforcement Data Center Bureau

The Law Enforcement Data Center Bureau (LEDC) provides the Department of Criminal Law Enforcement and other state and local criminal justice agencies with data processing services for the development, implementation, and operation of criminal justice information systems and related functions of the Florida Crime Information Center (FCIC).

The Criminal Justice Information Systems Council

FS943.06 also establishes a Criminal Justice Information Systems Council within the FDCLE and this representative council has duties, specified in Section 943.08 FS which are directly relevant to the Privacy and Security Plan. These duties are indicated below:

943.08 Duties; Criminal Justice Information Systems Council. The council shall develop and recommend operating policies and procedures relating to the following areas:

- (1) The exchange of criminal justice information and criminal justice intelligence information and the operation of criminal justice information systems and criminal justice intelligence information systems, both interstate and intrastate.
- (2) The installation of criminal justice information systems and criminal justice intelligence information systems and the exchange of information by such systems within the state and with similar systems and criminal justice agencies in other states and in the Federal Government.
- (3) The physical security of the system, to prevent unauthorized disclosure of information contained in the system and to insure that the criminal justice information in the system is currently and accurately revised to include subsequently revised information;
- (4) The purging or sealing of criminal justice information upon order of a court of competent jurisdiction or when required by law;
- (5) The dissemination of criminal justice information to persons or agencies (not associated with criminal justice) when such dissemination is authorized by law;
- (6) The access to criminal justice information maintained by any criminal justice agency by any person about whom such information is maintained for the purpose of challenge, correction, or addition of explanatory material; and
- (7) Such other areas as relate to the collection and dissemination of criminal justice information and criminal justice intelligence information.

The CJIS Council has a broad representation from most components of the criminal justice system, is actively engaged in privacy and security matters and coordinates with the three other advisory or policy committees engaged in information systems development. The activities of and representation on the CJIS Council could be expanded as an optional development in Privacy and Security matters.

The Bureau of Criminal Justice
Planning and Assistance (BCJPA)

The Bureau is part of the Division of State Planning of the Florida Department of Administration. The BCJPA is, by Executive Order, the State (Criminal Justice) Planning Agency and has been designated by Governor Askew to prepare the Privacy and Security Plan in accordance with Section 20.21 of Title 28.

The broad goal of the Bureau of Criminal Justice Planning and Assistance is to provide comprehensive planning and program development coordination and assistance to all of the state's criminal justice-related resources to ensure the orderly growth and development of Florida's criminal justice capabilities. In line with this goal, the general objective of BCJPA is to coordinate the criminal justice related program planning activities and products of state agencies and units of local government.

The BCJPA has become an integral component of the Florida criminal justice system, capable of interacting directly with the functional components of the system, with state agencies and with local governments in the context of Florida law. In conjunction with FDCLE and the CJIS council, the Bureau is capable of developing consensus on major issues and effecting change in the criminal justice system.

The responsibilities of the BCJPA for privacy and security matters and CJIS matters can be established in this context. For example, it would be possible for the BCJPA to assume responsibility for coordinating the training and public education proposed in the Plan (Chapter VIII) and to develop these programs through arrangements with the five Florida Metropolitan Planning Units, the 10 Regional Planning Councils, and the Florida Department of Criminal Law Enforcement.

Similarly the BCJPA could assume certain planning and coordination responsibility for the proposed audit program (Chapter VI)

and assist in the development of this program with FDCLE, the Auditor General, the Division of Electronic Data Processing, the Department of General Services, and the local Criminal Justice agencies. These actions will be resource dependent.

Figure 2-4 depicts the current organization of the Bureau.

ROLE OF LOCAL USER AGENCIES

Local criminal justice agencies will be responsible for:

- Assuring the initial accuracy of criminal history information.
- Assuring that dispositions are reported in accordance with established rules.
- Querying the FDCLE prior to the dissemination of a criminal history record.
- Maintaining such records as may be needed to accomplish system audits.
- Assuring that proper security is provided for criminal history record information.
- Assuring proper use of all accessed criminal history record information.
- Purging or sealing criminal history information as specified in a Users Agreement, by court order, or FDCLE regulations.
- Assuring proper prohibitions governing access to juvenile records.
- Providing relevant training of all personnel involved with criminal history record information.

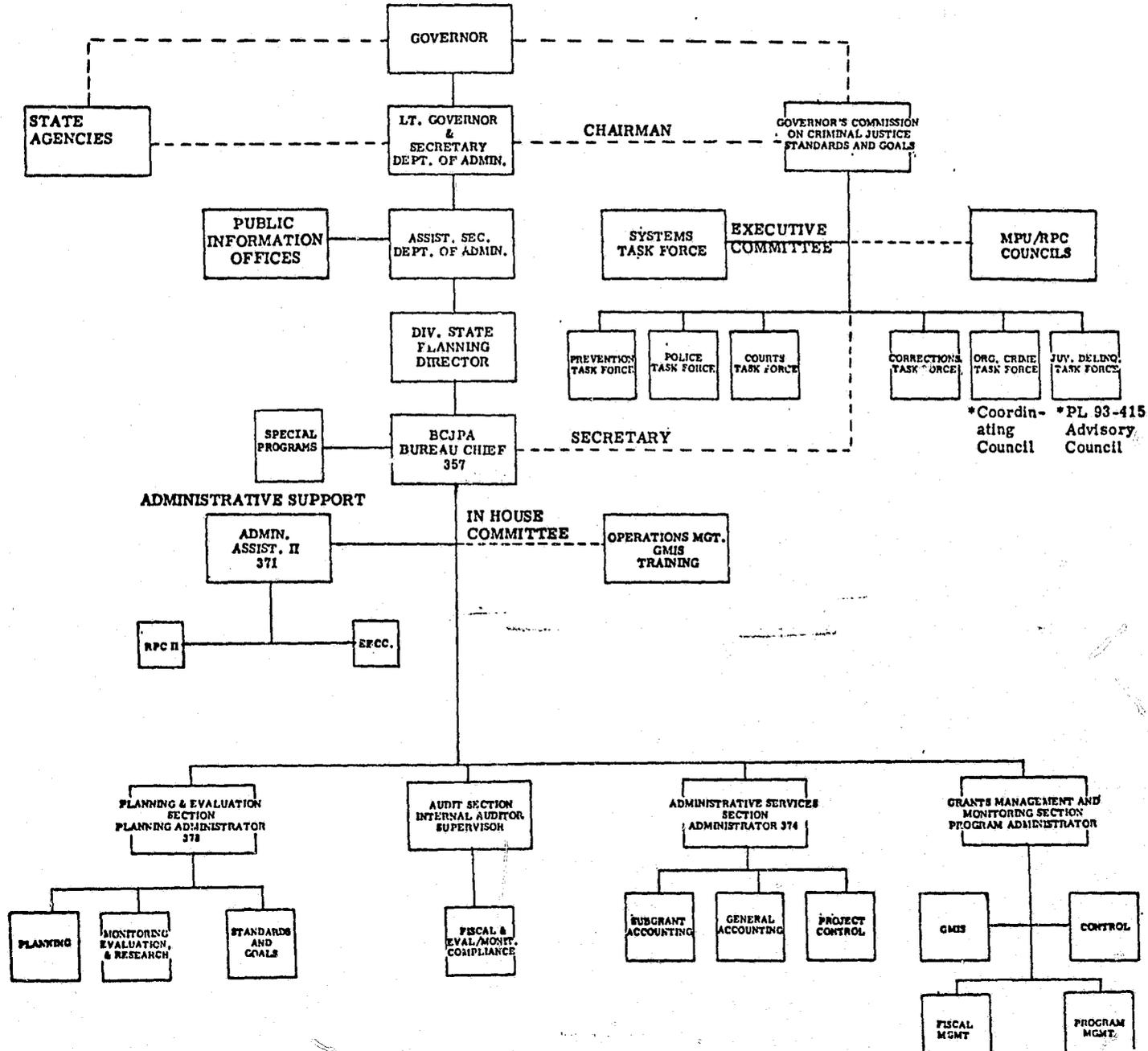
ORGANIZATIONAL - POLICY ISSUES

In order to be responsive to the organizational issues which are inherent in the management of Privacy and Security, Florida will:

- Continue to examine the requirements and the participating roles of all criminal justice agencies including Offender Rehabilitation, Probation and Parole.

FIGURE 2-4

CURRENT ORGANIZATION OF THE BUREAU OF CRIMINAL JUSTICE PLANNING AND ASSISTANCE



- Develop uniform formats for privacy and security procedures to enhance consistency in the State.
- Designate specific responsibilities for the accomplishment of operational procedures.

III

COMPLETENESS AND ACCURACY

Completeness and accuracy of criminal history record information are qualitative goals of the Florida system. Existing procedures are directed toward the achievement of these goals. The planned procedures for both local manual systems and the state electronically stored criminal history records (CCH) will be designed to:

- Insure the accuracy of initial entry data, of disposition entry, and of all data modifications and deletions
- Insure the completeness of initial entry data, of disposition entry, and of all data modifications and deletions
- Insure the timeliness of data submission, disposition entry, notifications, and of authorized modifications and deletions
- Establish specific responsibilities for the management and control of criminal history record information of the criminal justice system

REQUIREMENTS

The basic requirement to insure completeness and accuracy of criminal history information is included in the Crime Control Act, PL93-83. Section 524(b) of this Federal Act provides, in part, that:

(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein;...

This provision is developed in section 20.21(a) of the federal regulations which establishes the criteria and guidelines for completeness and accuracy of criminal history record information. These are listed below.

Completeness

The elements of completeness are defined in section 20.21(a) (1) and include provisions that:

- Complete records shall be maintained at a central state repository
- Central repository records must contain all disposition information within 90 days after the disposition has occurred.

In ordinary circumstances only complete records, containing arrests and dispositions, should be disseminated. To insure that this occurs, the regulations require procedures which provide, in ordinary circumstances, for criminal justice agencies to query the central repository prior to dissemination of any criminal history record information. This inquiry condition may be waived if information is required for operational purposes prior to the time when the central repository can respond. This situation could occur, for example, in the cycle of days related to the request for and receipt of complete non-automated reports. In these cases, local information which may be technically "incomplete" could be used to meet immediate criminal justice needs.

Accuracy

The elements of accuracy are defined in section 20.21(a) (2) and include provisions that:

- Records do not contain erroneous information and that errors be minimized through
- Procedures to verify or validate data entries and to audit data collection, storage and use.

To insure that the provisions of accuracy serve both the criminal justice system and the individual, the federal regulations require that prior recipients of criminal history information be advised of inaccuracies which are found and subsequent corrections which are made.

CURRENT STATUS

The current status of the completeness and accuracy requirements is reviewed in reference to:

- Disposition Reporting
- Expungement and Correction
- Inquiry Before Dissemination

Disposition Reporting

Dispositions are defined in the regulations as meaning "information disclosing that criminal proceedings have been concluded.... To be complete, a criminal history record should include dispositions that have occurred from arrest to final release of the individual from the cognizance of any segment of the criminal justice system. Thus, an effective disposition reporting system includes procedures for reporting dispositions by every relevant component of the criminal justice system. This is the intent of the Florida Uniform Case Reporting System of the Courts [25.075 FS] and the current FDCLE disposition reporting procedures.

In the FDCLE procedures, interim actions are reported as part of the criminal fingerprint card submission and final dispositions of prosecutor and courts are reported on the Final Disposition Report. The disposition reporting of post adjudication corrections information is a problem area which is being addressed as part of the CJIS development. FDCLE Rule 11-C 4.06 provides for delinquent disposition monitoring and correction. If after 180 days after an arrest no disposition report to FDCLE has been made the arresting agency is notified and will provide disposition data within 30 days of the notice.

Court Uniform Case Reporting System

In accordance with Article V of the Florida Constitution and Chapter 25.075 FS, the court administrator is in the process of developing a uniform case reporting format. A version of this Uniform Criminal Progress Docket is included as Figure B-1. The provisions of Sec. 25.075 FS require mandatory reporting by the Clerk of the Court and establish an audit of this disposition reporting mechanism by the Auditor General.

FDCLE Disposition Reporting Procedures

The Florida system for reporting criminal history information is completely documented. The documentation includes Florida statutes; Rules of the FDCLE developed in accordance with the requirements of Chapter 120 FS, and the FDCLE Identification Manual. The FDCLE Rules and operating manuals stay under continuing review to insure currency and are in review at this time.

To meet the requirements of Title 28 the FDCLE has updated the departmental rules to cover the requirements of the federal regulations in a manner consistent with Florida procedures.

The basic reporting process originates with the statewide submission of the criminal arrest fingerprint card [Form IC-10]. The FDCLE rule relating to this submission is 11C-4.03 [Figure B-2]. The FDCLE fingerprint card is included as Figure B-3.

Specific guidance concerning completeness and accuracy are included in the system instructions. For example, the ID Manual provides specific guidance on disposition information in instruction (5) pertaining to final disposition reporting.

(5) FINAL DISPOSITION

List final disposition in this field to correlate with the same numbered charge above. If the final disposition is not available, show pre-trial or initial disposition, e.g., released, no formal charge, bail posted, etc., in the ARREST DISPOSITION (ADN) field (26) on back of the fingerprint card.

Florida uses a single fingerprint card submission process. The procedural instructions are included in various FDCLE technical memorandum dating to 1973 including TM 73-2, 73-4, 74-2, 74-3 and other instructions such as those pertaining to registration of convicted felons; primary and secondary contributors; and deceased notification submission procedures. Emphasis is on accuracy and completeness. For example, the complete procedural guide for completing the criminal history record of a deceased person includes:

- FDCLE Rule 11C-4.05.
- FDCLE Identification Memorandum 75.1.
- FBI Form R-88.

This sequential guidance is illustrated in Figures B-4 and B-5. These figures portray an example of the procedural consistency and detail in the Florida system.

The characteristics of completeness and consistency are reflected in the detailed rules and procedures which are concerned with final disposition reporting. The formal guidance is included in FDCLE Rule 11C-4.06 and FDCLE Identification Memorandum 75-2. Rule 11C-4.06 is based on the specific requirements of section 20.21(a) of Title 28 and requires that final disposition "be submitted (to the central repository at FDCLE) within 90 days after the final disposition occurs." Rule 11C-4.06 is included as Figure B-6.

In order to refine the disposition process and to make the criminal information (CCH) more meaningful to multiple users, Florida revised the Final Disposition Report in 1975. The current report [Figure B-7] replaced the FBI R-84 and expanded the information acquired for Florida purposes.

Procedural guidance in Identification Memorandum 75-2 provides that:

- The arresting agency has the responsibility for initiating this report and supplying all fields of identifying and arrest information requested on the top half of the form. The impressions of the right four fingers should be obtained and placed in the bottom right corner of the report. Both tasks should be accomplished at the time of arrest when the full set of fingerprints are taken on the arrest fingerprint card.

Only final dispositions are reported in this format. Interim transactions are included on the fingerprint card. To accommodate local practice the procedures enable local agencies to work together as follows:

- If procedures permit within your area, it is requested that the prosecutor complete the report by filling out the bottom half of the form if the case reaches his level and is not being referred for court action.
- If procedures permit within your area, it is requested that the court complete the report if the case reaches the court level for judicial action.

In all cases the formal disposition report is provided to the FDCLE Crime Information Bureau. Additional legislation is planned.

Expungement and Correction

Actions concerning the expungement and sealing of criminal history records are controlled by court prerogative and specific Florida statutes 893.14 FS [1973] and 901.33 [1974] which is derived from Ch 74-206 Laws of Florida. The implementation policies and procedures for expungement and sealing actions are provided for in FDCLE Rules 11C-7.01; 11C-7.02; 11C-7.03 and 11C-7.04. Specific definitions and procedures are included in memorandums 72.5, 74.1, 74.4, 74.4A and 74.5. Disposition reporting instructions for purge and seal actions are included in 75.2. Additional legislation is desirable in this subject area.

Policy and procedural guidance is related to:

- Statutory and court ordered expunction.
- Administrative expunction.

In this context court ordered expunction means "an actual court order to expunge or seal certain record, records, or a specific portion(s) of a record or records."

Administrative expunction means "the expunction of a record, records, or a specific portion of a record or records in any manner other than by court order."

This structure enables the FDCLE and Florida agencies to also use the technical procedures and documentation of expungement for the correction of records [TM 72-5] and to include formal sealing or expungement actions with the final Disposition Report if appropriate [TM 75-2].

In accordance with Ch. 893.14 FS, an expungement of a first offense of possession of drugs results in the creation by FDCLE of a sealed record of the action which is subsequently accessible only by the court through a court order. [ID Memo 74-1, Rule 11C-7.01, 7.02].

In accordance with Ch. 901.33 FS, an expungement of a first offense which results in an adjudication of not guilty or acquittal can result, through appropriate court action in a sealed record which is subsequently accessible only by law enforcement agencies for special purposes. [ID Memo 74-4, 74-4A, Rule 11C-7.01-7.02]

The rules provide the following procedural guidance concerning positive identification and action to complete the individual's record:

11C-7.02 Procedure on Court-Ordered Expunctions.

- (1) The order of the court as to an expunction of arrest records should specify the agencies to which

it applies, including this Department, and should be directed to the law enforcement agency which made the arrest and forwarded the arrest information to the Department.

(2) Upon receipt of any order to expunge a criminal history record the arresting authority shall:

(a) Make a positive association between the individual and arrest covered by the order and the arrest record generated by it;

(b) Forward a certified copy of the order along with a letter of transmittal to the Department.

(3) The letter of transmittal shall make specific reference to identifying information, including:

(a) Date of arrest;

(b) Arrest number and original charges.

(4) The letter of transmittal shall be signed by the chief police officer of the agency or a person designated in accordance with rule 11C-7.03(4), F.A.C.

(5) Order of courts of non-Florida jurisdictions, when certified by the counterpart of the Department in such other jurisdiction, shall be processed as requests for administrative expunction.

An example of a current expungement order is included as Figure B-8. Additional refinement of the expungement process is being undertaken to insure that all prior recipients are notified of court ordered or administrative actions. An example of a proposed revised order is included as Figure B-9.

Florida currently observes the orders of out of state courts, as provided in Section 20.24, Title 28, by treating these orders as administrative expunctions [Rule 11C-7.02(5)].

In addition, Rule 11C-7.04 provides for notice to prior recipients in the following manner:

11C-7.04 Federal Criminal History Records. Unless otherwise directed, all requests or orders to expunge or seal criminal history records shall be deemed a request or order to initiate the expunction of such information from the Federal Bureau of Investigation's National Crime Information Center and Identification Division and to seek the expunction of such information by such other jurisdictions to which it may have been forwarded.

The procedures are directly related to the accuracy and completeness of individual records. Technical Memorandum 72-5 provides for corrective action of administrative or technical error. The following examples are cited:

- Examples of administrative error could be the submission of a fingerprint card on an arrested person thought to be an adult at the time of arrest when in fact such person was a juvenile; or the arrest of a person subsequently determined to be mistakenly identified as a suspect.
- Additionally, administrative error as pertains to the FDLE policy may be interpreted as the arrest and fingerprinting of a subject who subsequently does not enter into the prosecutorial function because the prosecuting authority refuses to file an information; or where an information has been filed and the prosecuting authority subsequently nolle prosses such charge or charges. In the latter instances, should the chief law enforcement officer of the arresting agency request the return of the fingerprint card and related criminal history information, such request shall contain corroboration from the appropriate prosecuting authority indicating such authority's refusal to prosecute, or of the nolle prossing of previously filed charges.

INQUIRY BEFORE DISSEMINATION

Dissemination is defined as the transmission of criminal history record information to individuals and agencies other than the criminal justice agency which maintains the criminal history information.

The capability exists in the FCIC/CCH system to provide fast turn-around responses to agency inquiries. The major constraint on the universal application of the prior inquiry process would be a large volume of activity which could delay routine response times. In extraordinary circumstances, partial information can be provided by the central repository staff by administrative message or by telephone to known and properly identified criminal justice personnel if this is necessary.

It is possible to access information contained in the FCIC/NCIC CCH files through four (4) types of message inquiries. These types are:

- "QI" - Query Identification
- "FS" - Florida Criminal History Summary
- "CS" - NCIC Criminal History Summary
- "CH" - NCIC Complete Criminal History Record

The summary procedures for CCH inquiry are included in ID Memoranda 74-4, 75-3 and 74-6 and the detailed procedures are included in the FCIC manual.

This process makes it possible for a requestor to acquire an immediate response on record checks and summary information and to establish the nature and location of the complete criminal history record. Criminal history records are mailed daily.

Because of the capability of the system, inquiry to the Central Repository will be made prior to dissemination.

All procedures related to accuracy, completeness, data validation and audit are under continuing review. For example, procedures were revised in January, 1976 to curtail the automatic generation of FCIC criminal history records [rap sheets]. This will reduce workload and dissemination logging and insure that only the most complete record is forwarded to users at the time of actual need.

In another example, the FDCLE carefully monitors expungement actions to insure legal sufficiency and administrative accuracy.

By 1977 it is planned that the current CCH system will include more than 85% of the relevant disposition actions. Rules and procedures will be additionally developed as needed.

POLICY ISSUES

While current administrative procedures and format refinements have resulted in an improved level of accurate and complete records the disposition reporting process remains as an issue.

Actions will be taken to:

- Establish authority for disposition reporting
- Define responsibility for reporting disposition information
- Define delinquent and follow-up procedures to include:
 - Scheduled follow-up on pending or delinquent dispositions
 - Specific follow-up procedures on pending dispositions prior to dissemination or disposition of a record.
- Authority and procedures for auditing of disposition actions.

Specific legislative proposals will be made in 1977 concerning the Florida disposition reporting system.

IV

L I M I T A T I O N S O N D I S S E M I N A T I O N

As originally published, the Department of Justice Regulations, May 20, 1975, required specific statutory authority to disseminate criminal history record information for non-criminal justice purposes or to non-criminal justice agencies. There were specific restrictions on access to information by the news media and specific prohibitions on access to criminal history information in court records.

The current federal regulations, March 19, 1976, introduce a distinction between the categories of conviction data and non-conviction data and differing limitations on the dissemination of these categories.

Non-conviction data is defined in section 20.3(k) of Title 28:

(k) "Non-conviction data" means 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 a 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.

REQUIREMENTS

The requirement for establishing limitations on dissemination is included in section 20.21(b). These provisions are cited below:

(b) Limitations on dissemination. By December 31, 1977, insure that dissemination of non-conviction data has been limited, whether directly or through any intermediary only to:

(1) Criminal justice agencies, for purposes of the administration of criminal justice and criminal justice agency employment;

(2) Individuals and agencies 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.

(3) Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. The agreement shall specifically authorize access to data, limit the use of data to purposes for which given, insure the security and confidentiality of the data consistent with these regulations, and provide sanctions for violation thereof;

(4) Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, insure the confidentiality and security of the data consistent with these regulations and with section 524(a) of the Act and any regulations implementing section 524(a), and provide sanctions for the violation thereof.

Conviction data may be disseminated without limitation.

Under these amended regulations, there are no restrictions on the distribution of conviction data, nor on criminal history information contained in court records of public judicial proceedings. Arrest information where prosecution is pending also would be available.

The amended regulations also would no longer require express authority to distribute non-conviction records for non-criminal justice purposes, but would permit such dissemination if it "is pursuant to and can be construed from the general requirement" in the state statute or local ordinance.

Section 20.20(c) concerning applicability of the procedures includes these provisions:

(c) Nothing in these regulations prevents a criminal justice agency from disclosing to the public criminal history record information related to the offense for which an individual is currently within the criminal justice system. Nor is a criminal justice agency prohibited from confirming prior criminal history record information to members of the news media or any other person, upon specific inquiry as to whether a named individual was arrested, detained, indicted, or whether an information or other formal charge was filed, on a specified date, if the arrest record information or criminal record information disclosed is based on data excluded by paragraph (b) of this section. The regulations do not prohibit the dissemination of criminal history record information for purposes of international travel, such as issuing visas and granting of citizenship.

The Department of Justice Commentary on these provisions is indicative of the relative flexibility now available to the State in establishing procedures in this area.

"The regulations, as now amended, provide that conviction data may be disseminated without limitation; that criminal history record information relating to the offense for which an individual is currently within the criminal justice system may be disseminated without limitations. Insofar as non-conviction record information is concerned, the regulations require that after December 31, 1977, most non-criminal justice access would require authorization pursuant to a statute, ordinance, executive order or court rule, decision or order. The regulations no longer require express authority, that is specific language in the authorizing statute or order requiring access to such information, but only that such dissemination is pursuant to and can be construed from the general requirement in the statute or order. Such statutes include State public record laws which have been interpreted by a State to require that criminal history record information, including non-conviction

information, be made available to the public. Determinations as to the purposes 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."

The federal regulations, as now amended, remove the prohibition that criminal history record information in court records of public judicial proceedings can only be accessed on a chronological basis. Therefore, court records of public judicial proceedings are not covered by the federal regulations.

CONDITIONS OF DISSEMINATION AND USE

The federal regulations enable the State and local governments to determine the policies and procedures needed to manage the use and dissemination of criminal history information.

General

Section 20.21(c)(3) of Title 28 provides that:

(3) Subsection (b) does not mandate dissemination of criminal history record information to any agency or individual. States and local governments will determine the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order.

In addition to this provision there are two additional constraints established in Section 20.21(c). These are included as 20.21(c)(1)(2) of Title 28.

(1) Use of criminal history record information disseminated to non-criminal justice agencies shall be limited to the purpose for which it was given.

(2) No agency or individual shall confirm the existence or nonexistence of criminal history record information to any person or agency that would not be eligible to receive the information itself.

Juvenile Records

The regulations establish a prohibition against the dissemination, to non-criminal justice agencies, of juvenile records except for purposes of authorized research, evaluation, or statistical analysis or in those instances in which there is an established agreement with a criminal justice agency to provide services to the criminal justice system.

The constraints on the dissemination of Juvenile records are included in Section 20.21(d) which provides that the State Plan will:

"Insure that dissemination of records concerning proceedings relating to the adjudication of a juvenile as delinquent or in need of supervision (or the equivalent) to non-criminal justice agencies is prohibited, unless a statute, court order, rule or court decision specifically authorizes dissemination of juvenile records, except to the same extent as criminal history records may be disseminated as provided in §20.21(b)(3) and (4) (research or agreement).

CURRENT STATUS

The Florida Public Records Statute, Ch 119FS, is the starting point for determining the limitations on access and dissemination of criminal history information. This statute provides that "all state, county and municipal records shall be open at all times". Public records in Florida are those "made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency".

Ch 119.07FS provides for exception to open access for public records which are provided by law to be confidential or which are prohibited from public inspection by general or special law.

Criminal history information with certain exception such as juvenile records and records expunged in accordance with Sec 901.33FS, have been deemed to be public records in accordance with Ch 119 FS.¹

¹Florida Cabinet Resolution, January 6, 1976

The Attorney General of Florida has testified, in specific reference to the provisions of Title 28, May 1975, that:

"The Florida Legislature determined long ago that the Florida public possessed a statutory, if not inherent, right to information, information such as records of arrest, conviction, arrest reports of the arresting officer, copies of indictments and information, and other like criminal history information. The Florida Judiciary has continually stated that this basic policy of open government could not be restricted except by a state legislative policy decision. Williams v. State, 285 So.2n 13 (Fla. 1973); Mahone v. State, 222 So.2d 769 (3 DCA 2969); Grays v. State, 217 So.2nd 133 (3 DCA 1969). Sensitive law enforcement records relating to the apprehension and prosecution of criminals, however, are within the confidentiality purview of the "Police Secrets Rule." Lee v. Beach Publishing Co., 173 So.440 (Fla. 1937); Fla. Atty. Gen. Ops. 072-168; 073-166; 075-9; 075-203."¹

Accordingly, and consistent with the provisions of Section 20.21 (b) and FS119, both conviction and non-conviction data is available to the general public. In addition, some agencies have authority to receive federal information based on statutory authority. [For example, the Secretary of State of Florida].

As to information derived from NCIC, certain constraints still apply to federal information.

Florida Statutes

To balance the interests of individuals and society there are a number of statutes and legislation (current and proposed) which impose limitations on dissemination or provide for the expungement of individual records. For example:

¹Statement of J. D. Whisenand, Deputy Attorney General on behalf of R. L. Shevin, Attorney General of Florida, December 15, 1975, Washington, D.C.

Limitation on Dissemination or Use

Florida Statute

Juvenile records are not open to inspection by the public.	Sec 39.12 FS
Conditions for arrest records to be expunged; non public record maintained; restoration of individual to prior status.	Sec 901.33 FS Sec 893.14 FS
Exemptions from registration of convicted felons.	Sec 775.13 FS
Differing construction of criminal code language construed most favorably to accused.	Sec 775.021 FS
Unlawful publication of names or parties to intercepted communications.	Sec 934.091 FS
Modification of restrictions on professions and occupations; prohibiting use of non-conviction data; removing restraint on occupation employment for certain categories of convictions.	Sec 455.013 FS [HB 851]
Removes disqualification from public employment based on prior conviction.	Sec 112.011 FS [HB 2451]
Restrictions and publications on inquiry, disclosure and dissemination of non felony record for purposes of employment.	Sec 448.08 FS [HB 840]
Sealed Records	Sec 893.14 FS

FDCLE Rules and Regulations

The policies and procedures for implementing the dissemination provisions of Part B and C of Title 28 are in Rules of the Florida Department of Criminal Law Enforcement and the FDCLE operating manuals such as the Identification Manual. FDCLE Rule 11c-6.02(1) provides the following policy:

11c-6.02 Present Policy.

(1) Pending legislative or judicial direction to the contrary and to the maximum extent that it may act consistent with Chapter 119, Florida Statutes, the Department adopts by reference the definitions contained in Ch. 1, Title 28, Subpart 20A, C.F.R., and will make and hereby authorizes disseminations to the fullest extent authorized under Ch. 1, Title 28, Subpart 20B and Ch. 1, Title 28, Subpart 20C, C.F.R., also incorporated herein by reference.

Juvenile Records

The current statute governing the dissemination of juvenile records is Ch 39FS. The Florida law is in complete compliance with Section 20.21(d) Title 28. Relevant provisions of Sec 39.12 and 39.13 FS are included in Figure 4-1.

Consistent with the concept of public records, and the nature and extent of some juvenile crimes, there are proposals in the Florida legislature to extend the dissemination of some juvenile criminal history information.

CONTINUING PROCEDURAL DEVELOPMENT

Within the context of the current regulations additional procedures will be developed to accomplish the purposes and intent of the regulations. There will for example be additional work done in the areas of:

- Standards for access to information
- User agreements
- Dissemination Records (logs)

Standards for Access to Information

The FDCLE will develop additional rules which identify conditions of access to records which are not available to the public or which are incomplete. The rules will also specify the need for positive identification as a basis for insuring accurate dissemination. In addition, the central repository and local criminal justice agencies may establish a listing of priorities for access to information based on the criteria of Sec 20.21(b) of Title 28 and existing staff resources.

User Agreements

The format of user agreements will be dependent on the extent to which all criminal history information is made available generally.

FIGURE 4-1

CHAPTER 39 FS

JUVENILES, JUDICIAL TREATMENT

39.12 Oaths; records; privileged information

(1)

(2) The court shall make and keep records of all cases brought before it pursuant to this chapter and shall preserve the records pertaining to a child until 10 years after the last entry was made, or until the child is 21 years of age, whichever date is first reached, and may then destroy them, except that records of cases where orders were entered permanently depriving a parent of the custody of a child shall be preserved permanently; and except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as they can be reasonably accomplished. The court shall make official records, consisting of all petitions and orders filed in a case arising pursuant to this chapter and any other pleadings, certificates, proofs of publication, summons, warrants, and other writs which may be filed therein.

(3) The clerk shall keep all official records required by this statute separate from other records of the Circuit Court. They shall not be open to inspection by the public. All records shall be inspected only upon order of the judge by persons deemed by the judge to have a proper interest therein, except that a child and the parents or legal custodians of the child and their attorneys shall always have the right to inspect and copy any official record pertaining to the child. The judge may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and disposition the judge may deem proper, and may punish by contempt proceedings any violation of those conditions.

(4) All information obtained pursuant to this chapter in the discharge of official duty by any judge, employee of the court, authorized agent of the Division of Family Services, or authorized agent of the Division of Youth Services shall be privileged and shall not be disclosed to anyone other than the authorized personnel of the court, the Department of Health and Rehabilitative Services, and others entitled under this chapter to receive that information, except upon order of the judge.

39.13 Contempt. - The court may punish for contempt any person interfering with the administration of or violating any provision of this chapter in order of the court relative thereto.

History.-s. 1, ch. 26880, 1951; s. 19, ch. 73-231.

However, procedures will be developed related to automated and non-automated access; secondary dissemination and non-disclosure. An example of a non-disclosure agreement is included as Figure 4-2.

Dissemination Records

In order to insure that the dissemination of criminal history information is conducted in a manner which will provide a basis for management actions, subsequent corrections and system audits, a dissemination log mechanism will be used throughout the criminal justice system.

Dissemination logs are maintained by FDCLE to insure that corrected information is communicated to all prior recipients. The dissemination record is also required to facilitate the system audits required by Section 20.21(a) and 20.21(e) of Title 28.

Because of the volume of activity in the Florida system it is likely that a basic dissemination log, coupled with the extensive operating knowledge of records personnel at all levels of the system, will serve the immediate purposes of dissemination recording. Dissemination logs will be adapted to local needs and practices consistent with meeting the requirements of the system.

Issues which will be reviewed include the dissemination log data and format; the log retention period; the purposes to be served by the logs and a designation of who will maintain the logs.

POLICY ISSUE

In the course of developing and reviewing the Plan concern has been expressed, at both the state and local level, concerning the absence, in FS 119, of explicit authority for the dissemination of non-conviction data. This concern relates to potential conflicts with the provisions of both Sections 20.21(b) and 20.21(c)(3) of Title 28 and with recent Supreme Court decisions, particularly Paul vs. Davis.

NON-DISCLOSURE AGREEMENT

STATE OF FLORIDA
CRIMINAL HISTORY RECORD INFORMATION
NON-DISCLOSURE AGREEMENT

This agreement is made and entered into by and between _____, a Florida criminal justice agency; and _____, hereinafter called Recipient.

- A. The _____ agrees to provide Recipient with the criminal history record information (CHRI) requested.
- B. Recipient certifies that he is entitled, pursuant to the LEAA Regulations, to CHRI access for the purpose of _____.
- C. Recipient agrees to limit the use of the CHRI to the purposes for which it was provided; and to destroy the information when it is no longer needed for the purposes for which it was provided.
- D. Recipient agrees to implement reasonable procedures to insure the confidentiality and security of the CHRI.
- E. Recipient agrees that the only persons allowed access to the CHRI are: _____; and not to disseminate the information to any other agency or person.
- F. Recipient agrees to abide by the laws or regulations of the federal government and the state of Florida (including provisions of the Florida CHRI Security and Privacy Plan), and any rules, policies or procedures adopted by the Florida Department of Criminal Law Enforcement.
- G. The _____ reserves the right to suspend immediately furnishing CHRI under this agreement and to demand return of information already furnished under this agreement when any rule, policy, procedure, regulation or law described in Section F is violated or appears to be violated.
- H. In addition to any civil or criminal penalties applicable to the use of the CHRI under Florida or federal law, Recipient agrees to be subject to a fine not to exceed \$10,000 for knowing violation of Title 28 of the Code of Federal Regulations.
- I. Recipient agrees to indemnify and save harmless the state of Florida, Agency, other signatory agencies of CHRI Non-Disclosure Agreements, and their employees from and against any and all causes of actions, demands, suits, and other proceedings of whatsoever nature; against all liability to others, including any liabilities or damages by reason of or arising out of any files, arrest, or imprisonment or any cause of action whatsoever; and, against any loss, cost, expense, and damage resulting therefrom, arising out of or involving any negligence on the part of Recipient in the exercise of enjoyment of this agreement.
- J. This agreement is to be in effect from _____ to _____.

Signature of Recipient
Representative

Signature of Agency
Representative

Date: _____

Date: _____

Options

Action has been initiated by FDCLE to acquire an Attorney General Opinion on the implications of the revised Title 28. The CJIS Council is examining the alternatives of recommending a FS 119 revision to exclude non-conviction data or to proposing additional legislation which will clarify responsibilities and authorities for dissemination of non-conviction data.

Action

A coordinated review of legislative needs pertaining to dissemination will be undertaken by FDCLE with BCJPA, the CJIS Council and other state and local criminal justice agencies. Legislation will be recommended as appropriate, following this review.

I N D I V I D U A L A C C E S S A N D R E V I E W

Insuring the right of the individual to review his criminal history record can be a significant factor in establishing the credibility and accuracy of the information in his file. The right of review can provide an additional measure of protection for both the individual and the agency from potential or actual harm or injury, caused by the use of inaccurate or incomplete criminal history information. The principle of individual access and review is complemented by the requirement that inaccurate or incomplete records be corrected. Both of these principles are included in provisions of Florida statutes, rules and procedures. The general practice of openness has contributed to public acceptance of records systems in Florida. Chapter 119 FS provides, for example, for the inspection and examination of public records.

REQUIREMENTS

The principle of individual access and review has been recognized and incorporated in federal law and the Department of Justice regulations. For example, Section 524(b) of the Crime Control Act (P.L. 93-83) provides in part that:

...an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete or maintained in violation of the title, shall upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for purpose of challenge or correction.

Department of Justice Regulations

Section 20.21(g) of the federal regulations requires that there be operational procedures to insure the right of individuals to review criminal history records concerning them (excluding all intelligence and investigative files) for the purposes of challenging their accuracy and completeness. These operational procedures must include provisions for:

- Verification of individual identity [20.21(g) (1)]
- Reviewing any criminal record information, maintained about the individual, without undue burden to the individual or the criminal justice agency [20.21(g) (1)]
- Obtaining a copy of subject record for purposes of challenge and correction [20.21(g) (1)]
- An administrative review and necessary correction of any claim by the individual that the information is inaccurate or incomplete [20.21(g) (2)]
- An administrative appeal in those cases which cannot be resolved between the individual and the criminal justice agency which is maintaining the information [20.21(g) (3)]
- Providing the individual, upon request, with the names of non-criminal justice agencies to which subject information has been disseminated prior to correction [20.21(g) (4)]
- Notification of corrections by the correcting agency to all criminal justice agencies to which the information has been disseminated prior to correction [20.21(g) (5)]

The extent of the procedures related to individual access and review are new. However, the concept of individual access and review for purposes of appeal does already exist as part of Florida administrative due process. Federal commentary on these procedures includes the following:

20.21(g) (1). A "challenge" under this section is an oral or written contention by an individual that his record is inaccurate or incomplete; it would require him to give a correct version of his record and explain why he believes his version to be correct. While an individual should have access to his record for review, a copy of the record should ordinarily only be given when it is clearly established that it is necessary for the purpose of challenge. Verification of identity can be established by the State of Florida.

20.21(g) (5) requires that the correcting agency notify prior recipients of corrected information. Not every agency will have done this in the past, but hence-forth adequate records including those required under 20.21(e) must be kept so that notification can be made.

20.21(g) (6) emphasizes that the right to access and review extends only to criminal history record information and does not include other information such as intelligence or treatment data.

The National Advisory Commission Standard on the Right to Review suggests that:

Except for intelligence files, every person should have the right to review criminal justice information relating to him. Each criminal justice agency with custody or control of criminal justice information shall make available convenient facilities and personnel necessary to permit such reviews.

The National Advisory Commission standard is amplified in the Standards for Security and Privacy of Criminal Justice Information developed by the SEARCH group.¹ Standard 14, Access by Individuals for Purposes of Challenge, includes provisions for:

¹SEARCH Technical Report, No. 13, October, 1975

- Individual review of criminal history record information concerning him anywhere in the State in which he applies in person or through counsel (14.1a)
- An appeal hearing with or without counsel
- A judicial review procedure, if appropriate, after an administrative appeal hearing

CURRENT STATUS

Not only is it possible for an individual in Florida to review his records but there is a positive attitude of assistance. In this respect, the individual's criminal history is an "open record" to the individual. The individual review procedures which were initiated at FDCLE in 1973 for statewide use [TM 73-3], have been supplanted by FDCLE Rule 11C-8.01, Review Procedures.

Individual Request [20.21(g)(1)]

An individual in Florida may initiate a review of his criminal history record anywhere in the state by submitting a request in writing either to a local law enforcement agency or, if he prefers, to the Florida Crime Information Center in Tallahassee. FDCLE Rule 11C-8.01(1) and (9) provide that:

(1) Any individual wishing to review his criminal history record must submit a request in writing to a local law enforcement agency and should specifically indicate whether a multistate (FBI/NCIC) check is desired.

(9) Persons not wishing to deal with a local law enforcement agency may secure a copy of their criminal record, if any, by presenting themselves at the Florida Crime Information Center (FCIC) Building, 408 North Adams Street, Tallahassee, Florida. Fingerprinting and a written request are nonetheless required and two appearances are necessary to allow for the processing of the request using positive identification procedures.

Chapter 119.07(1) FS also provides guidance on the manner of review. This provides that public records custodians "shall permit the records to be inspected and examined by any person desiring to do so at reasonable times, under reasonable conditions and under supervision of the records custodian. Charges may be made for copies or for duplication.

Verification of Identity [20.21(g)(1)]

Verification of individual identity is accomplished in Florida through the use of fingerprints. The Florida fingerprint card (Figure B-3, Page B - 3) is annotated to indicate that it is being used for a record review. The fingerprint card is searched by the central repository [FDCLE] and if a positive fingerprint identification is established on an existing criminal history record, a printout of the record is obtained from the FCIC/CCH system. The procedures associated with the verification of identity at the point of initiation and the match with FDCLE records are included in FDCLE Rules 11C-8.01(2)(3)(4). These are included below:

(2) The individual must then be fingerprinted by a local law enforcement agency for identification purposes. The fingerprint card will contain all required identifying data and a conspicuous notation that the card is submitted in order to provide positive identification for a personal record review.

(3) Requests and completed fingerprint cards received by local law enforcement agencies will then be mailed by the local law enforcement agency to the Department.

(4) The fingerprint card will be processed by the Department and if a positive fingerprint identification is established against an existing criminal history record, a single copy of the record, the submitted fingerprint card, and the original letter of request will be returned to the local law enforcement agency. If no arrest record is found in the Florida Crime Information Center/Computerized Criminal History

System, the fingerprint card and the letter of request will be so stamped on the reverse side and will be returned to the local law enforcement agency forwarding same.

Obtaining a Copy and Review [20.21(g)(1)]

The FDCLE advises the individual requestor, directly, that a copy of his record is being made available either at a local agency or in Tallahassee. Upon a second appearance and verification of identity, the individual has access to the record and may have a copy for his review or challenge if appropriate. These procedures are in FDCLE Rules 11C-8.01(5)(6)(9) along with the procedure for logging the review action.

(5) The Department will mail a letter to the requesting individual advising him that a copy of his criminal history record, if any, has been mailed to the local law enforcement agency.

(6) It will then be the responsibility of the individual requesting said record to personally call for such record at that local law enforcement agency. It will be the responsibility of the local law enforcement agency to determine that the person reviewing the criminal history record is the same person that was fingerprinted by that agency. A statement will be placed on each criminal history record or fingerprint card returned by the Department which states, "Released to (subject's name) Date (date released) by (releasing agency)". This statement must be completed by the local law enforcement agency that delivers the record to the individual.

Paragraph 7 of TM 73-3 provides that the "individual requesting the record may receive a copy of his criminal history record as known to FDCLE".

Administrative Review and Correction [20.21(g)(2)]

Corrections are made by the cognizant agency and the central repository [FDCLE] is advised of correction or deletion. It is

possible for a chief law enforcement officer of the agency to use the administrative expunction procedures for correction of errors. The procedure for this action is included in TM 72-5. The general procedure for review and correction is included in Rule 11C-8.01(7):

(7) If after reviewing his record, the individual feels that the record is incorrect or incomplete, it is his responsibility to contact the agency submitting that part of the record in question. It then will be the responsibility of that agency to determine the merit of the assertion, to make any and all corrections or deletions that may be required, and to notify the Department of any corrections or deletions.

Appeal [20.21(g)(3)]

The process of administrative appeal is an integral part of Florida administrative practice and procedures and is defined in several statutes.

This process includes an agency hearing through either formal or informal proceedings and a possible judicial follow up to these hearings to resolve actions which can be properly identified as adverse to the individual. [120.68 FS]. It is also possible for the individual to petition the court for corrective action in accordance with 901.33 FS.

The initiation of these procedures is provided for in FDCLE Rule 11C-8.01(8):

(8) If, after the foregoing steps have been taken, the agency submitting the record in question and the individual cannot resolve their differences, the agency shall subject itself to such further administrative or judicial proceedings as are indicated.

Figures 5-1 and 5-2 are examples of formats which could be used to initiate administrative or judicial appeals. Figure 5-3 is an example of an appeal decision format including directed actions and notifications. Procedures and formats will be refined by the CJIS council and the Court Administrator in accordance with the provisions of Section 943.08(6) FS.

FIGURE 5-1

STATE OF FLORIDA
INDIVIDUAL APPEAL OF DECISION

TO:

DATE:

FROM:

SEQUENCE

I hereby exercise my right to appeal the action of the _____
(Agency)
_____, which decided not to change, amend,
or delete certain specifically identified information in my criminal
history record, as requested by me on _____. In denying
(Date)
my request, the agency provided me with guidance on the appeal procedure
and a copy of their decision (attached _____). I have reviewed
the appeals procedure and am prepared to attend and participate in a
hearing on the issues still in contention and I understand that my only
appeal of the results of this hearing, if unfavorable to me, is through
formal judicial action through the Florida Courts.

I hereby affirm that I am the individual whose record I am requesting
to be amended or altered and further, that I am the same individual who
processed the Form IC-10 with my name and signature appearing on it,
dated _____.

ATTACH:

Signature _____

(date) _____

FIGURE 5-2

STATE OF FLORIDA
INDIVIDUAL APPEAL OF DECISION
PETITION

TO:

DATE:

FROM:

SEQUENCE

I hereby exercise my right to appeal the action of the _____
(Agency)
_____, which decided not to change, amend,
or delete certain specifically identified information in my criminal
history record, as requested by me on _____. In denying
(Date)
my request, the agency provided me with guidance on the appeal procedure
and a copy of their decision (attached _____). I have reviewed
the appeals procedure and am prepared to attend and participate in a
hearing on the issues still in contention.

I hereby affirm that I am the individual whose record I am requesting
to be amended or altered and further, that I am the same individual who
processed the Form IC-10 with my name and signature appearing on it,
dated _____.

ATTACH:

Signature _____

(date)

FIGURE 5-3

STATE OF FLORIDA

PART I

TO:

Date: _____

FROM:

Sequence No. _____

The State of Florida _____ Court has heard the appeal application of _____, dated _____, pertaining to changes in subject's individual criminal history records and finds that these records should be changed as described below:

Corrections to the criminal history records of this subject maintained in your Agency must be made within 30 days and all prior criminal justice agency recipients of the record must be advised to take similar action within 30 days. The individual has been furnished a list of prior non-criminal justice agency recipients of the record so as to allow these changes to be made in those records, as well.

Copy to Individual
Copy retained by Court
Original to

Signature _____ (Date)
Clerk of the Court

Signature _____ (Date)
Individual

PART II

TO:

Date: _____

FROM:

Sequence No. _____

The State of Florida _____ Court has heard the appeal application of _____, dated _____, pertaining to changes in the subject's individual criminal history record and based on the information presented to this court, finds that there is not sufficient cause to change, modify or delete the contested data which now appears in the record.

The subject has been informed of this decision.

Copy to Individual
Copy retained by Court
Original to

Signature _____ (Date)
Clerk of the Court

Signature _____ (Date)
Individual

Names of Prior Non-Criminal Justice Recipients

The dissemination logging mechanism will be modified to accommodate the potential need for providing information about non-criminal justice agency prior recipients of criminal history information. This particular aspect of the review function may require an apparatus which is disproportionate to the need and demand. For this reason the most efficient and economical methods will be devised.

Notification of Corrections

The procedures now in effect provide that individual agencies furnish corrected information to the central repository [FDCLE] in accordance with Rule 11C-8.01(7). The extension of Rule 11C-7.04 will provide that FDCLE initiate corrective action with NCIC and such other jurisdictions to which the individual record may have been previously provided.

Public Reporting of Procedures

Upon implementation of the Privacy and Security Plan, a public education program may be initiated for the purpose of informing Florida citizens of the right to review and challenge criminal history data pertaining to them. The program could include procedures describing how and where individual reviews can be made, the costs involved, and any other information necessary to allow access without undue burden to criminal justice agencies or individuals.

SUMMARY OF COMPLIANCE STATUS

Except for procedural additions to the appeal process and some additional logging mechanisms, Florida's procedures for individual access and review are in compliance with the requirements of Title 28.

Although there has been a very small volume of activity in the area of individual review and corrections, it is anticipated that this volume will increase. If the experiences of the FBI/NCIC system, under the provisions of the Freedom of Information Act, are indicative of increased requests associated with individual review, this process could become a major cost item.

VI

A U D I T A N D P E N A L T I E S

The federal regulations require two kinds of audits, a systematic audit and an annual audit. The systematic internal audit performed regularly by the Florida Department of Criminal Law Enforcement and local agencies is required by Section 20.21(a). This audit is intended to insure that criminal history records are complete, accurate, and current. The annual audit is required by Section 20.21(e) of Title 28. This audit is intended to insure that there is adherence, by the participating agencies, to the regulations and operating procedures.

In support of the audit activity, the federal regulations require that records be maintained which will facilitate the accomplishment of audits. Dissemination logs, discussed in Chapter IV, are part of this requirement.

FEDERAL REGULATIONS

Although the specific audit requirements of the regulations address different levels of activity, they are interrelated to total system effectiveness. The intention is to make audits a regular part of the criminal history management process.

Section 20.21(a) provides for systematic audit in the context of record accuracy:

To accomplish this end (accuracy), criminal justice agencies shall institute a process of data collection, entry, storage and systematic audit, that will minimize the possibility of recording and storing inaccurate information and upon finding inaccurate information of a material nature, shall notify all criminal justice agencies known to have received such information.

In this context systematic audit is linked to both the accuracy of records and the process of notification of corrections. This notification process assumes the maintenance of a dissemination record.

Section 20.21(e) of the federal regulations establishes the annual audit process:

(e) Audit. Insure that annual audits of a representative sample of State and local criminal justice agencies chosen on a random basis shall be conducted by the State to verify adherence to these regulations and that appropriate records shall be retained to facilitate such audits. Such records shall include, but are not limited to, the names of all persons or agencies to whom information is disseminated and the date upon which such information is disseminated. The reporting of a criminal justice transaction to a State, local or Federal repository is not a dissemination of information.

The scope of the annual audit, in effect, includes a review of all of the procedures which are included in the Privacy and Security Plan. There is also a specific requirement, in this section to develop audit trails to records which include specific dissemination control data.

There is a recognition in the federal regulations of the cost impact of the audit requirement. Of all aspects of the Plan, the audit requirement will be the most costly to implement. To insure that audits become a regular system feature, but not an overwhelming economic burden, the Section 20.21(e) provides for the annual audit of criminal justice agencies to be conducted on a random selection basis.

CURRENT STATUS

The systematic audit program related to the management and use of CCH in Florida is in compliance with the federal regulations. In addition to the procedures described in the FCIC

manual for editing and security, there are additional established procedures and regulations pertaining to data verification, error detection and notification.

Systematic Audit

The systematic audit is a regular ongoing quality control procedure, conducted by personnel within FDCLE and user agencies, which verifies that the system functions with regard to accuracy, completeness and timeliness. This is, in effect, a daily process. The primary objective of this audit is to detect, isolate, and correct departures from the quality factors of accuracy and completeness. Editing occurs at each level including selection and reformatting of messages as appropriate. Data verification and suspense control on the daily dispatch of criminal records occurs at FDCLE.

In order to comply with the quality control factors necessitated by the collection, maintenance, and processing of criminal justice and criminal history record information, individual agencies are encouraged to implement systematic internal audit procedures. The procedures for achieving qualitative controls may include the following provisions:

- Daily monitoring by FDCLE of criminal justice and criminal history data collected, processed and transmitted.
- Automatic edit and monitoring by FDCLE of information stored and disseminated.
- Periodic or daily monitoring and maintenance of all data and system logs, to include logs for inquiries, received data, transactions, computer operations and destroyed documents. Monitoring is periodically followed-up by specific internal audits of these actions and documents.
- Frequent quality sampling of system operations, source documents and products. Close supervision of tasks being performed by system personnel and supervisors.

- Vigilance with regard to, and inspection of, compliance with all system and facility security regulations and user agreements.
- Implementation of structured system safeguards which inhibit error, willful or inadvertent, and omission of data in the system process. The safeguards may include audit points and audit "traps." The safeguards include a detailed audit trail, leading to the data originator and the recipient of transmitted data.
- Delinquent disposition report monitoring and quality improvement by FDCLE.
- Validation and correction of purge and seal orders and requests by FDCLE.
- Regular review by FDCLE of rules and procedures related to operations which affect accuracy, completeness and control.

Dissemination logs are maintained by FDCLE to provide audit support [20.21(a)(2), 20.21(e)]; record correction notification [20.21(a)(2); 20.21(g)(5)]; and individual information [20.21(g)(4)].

At a minimum the record logs contain subject and recipient names, dates of dissemination and FDCLE and FBI identification numbers. Additional detailed data is being considered, such as the purpose of the inquiry and record destruction data. These entries can provide management information about inquiry patterns.

ANNUAL AUDIT

The annual audit will be an examination of the extent to which the system, and participating agencies, are operating in compliance with Florida statutes, the Federal regulations and relevant procedures set forth in the Privacy and Security Plan.

When the Annual Audit Program is completely formulated and operational it is planned to include the following elements:

- Designation of Responsibilities including Quality Control Officers

- Announcement procedures
- Agency sampling techniques
- Records sampling procedures
- On site visit procedures
 - Observations
 - Checklists
 - Audit lists of sampled records
- Site manager critique
- Follow-up procedures
- Training and technical assistance capabilities and scheduling
- Management information control system

The audit program will include the capability to perform system audits of:

- Procedures
- Records
- Dissemination Controls
- Security

There will be occasions when deficiencies are of sufficient seriousness or gravity that a special audit is needed. This non-routine [or ad hoc] audit may be conducted, upon local request, by an FDCLE audit team to identify and correct the specific causes of loss of quality control. If there is a serious problem which seems to indicate a major system deficiency, this may be cause for scheduling a complete annual audit at this time.

Audit Standards

Standards for audits of the criminal justice system will be developed in coordination with the State of Florida Auditor General [Ch. 23 FS] and the Attorney General. Standards for audit can be adapted from the Standards for Audit of Governmental Organizations, Programs, Activities and Functions (1974), developed by the U.S. Comptroller General. Examples of these standards modified for criminal justice audits are included in Figure C-1.

General Procedures

The audit program is to be described to individual agencies in regular intra system FDCLE memoranda, during training sessions and in other communications. Individual agencies to be audited, are to be advised prior to site visits.

The auditor is to be furnished with documentation and information concerning the individual agency. In addition, he will have available detailed copies of the criminal history information furnished by FDCLE to the agency and with checklists which are subsequently correlated to an AGENCY AUDIT REPORT. Auditors will use a checklist of DOJ regulations and FDCLE Rules to examine compliance with relevant provisions, including record accuracy and completeness; disposition reporting; systematic audit procedures; dissemination records; security provisions and the individual right of access. Source documents, records and logs will be physically examined. Records will be reconstructed to include source documents and current dispositions. Tracking of documents through the system will be conducted.

Upon the completion of the audit, a written list of relevant corrections to achieve compliance will be given to the agency head. The agency head will review the discrepancies list with the auditors and annotate his receipt of the list to certify that corrections can be made, as noted.

The program is designed to be a constructive audit in which the agency can indicate problems and needs as well as requests for assistance. The auditor will document compliance and needs as well as discrepancies. In addition to providing a record of the agency's status, the audit is to be instructive. It could lead to subsequent training, technical assistance and corrective action. The results of the audit will be recorded on an Agency Audit Report. An example of this Report is included as Figure C-2.

Follow-Up Actions

The credibility of the audit program is established both through the expertness of the audit process and by the thoroughness of follow-up actions. The audit program should include both immediate follow-up, such as on-site assistance, and a written follow-up describing deficiencies or discrepancies which require corrective action by the responsible individual.

Management Information

The histories of agency audits are to be recorded in an Agency Audit Record (Figure C-3). This record is designed to accumulate status information, corrective actions and follow-up transactions. The record can be used for subsequent actions or as a suspense system to insure that audit actions are completed.

Audit Trail

An audit of the total system, from the federal legislation to an offense or incident report at the smallest police department, can be made by examining the following categories of reference information:

- Operating and Dissemination Record Documents
- Files and Records
- Data Elements
- Data Source Documents

Figure C-4 portrays the elements which could be examined at each agency in an evaluation of system consistency and compliance. These designations are tentative until specific responsibilities are documented.

Specific Procedural Audits

The procedural audits will be primarily directed toward the specific examination of the way information is managed to insure

accuracy, completeness, timeliness and control. This trail will generally examine file types, individual records, data elements and sources. For example, the information in an individual subject file in the state central repository can be examined in terms of origin, validity, completeness, uses and status. This trail will lead from FDCLE to the originator, to the criminal justice agencies with which the subject has been involved and to agencies which have acquired information about the individual.

The information route could be through the disposition procedure. The second route is through the dissemination log procedure. In each case the focus is on the individual record and the links are through State identification numbers and sequence numbers which are recorded at each level of activity. These types of audit trail are portrayed in Figures C-5 and C-6, which briefly portray what the auditor could look for at the Florida Department of Criminal Law Enforcement and operating agencies.

Security audits will follow a similar and related pattern. It is possible to follow a controlled document, such as a criminal record [rap sheet], from the state central repository through to the final user and to determine the date and nature of destruction or other disposition of the record.

SANCTIONS AND PENALTIES

The Crime Control Act [PL 93-83] and the federal regulations [Title 28] mandate penalties for violations associated with the management of criminal history record information.

- Section 524(c) of the Act provides that:

(c) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed \$10,000, in addition to any other penalty imposed by law.

- Title 28 provides sanctions and penalties in Section 20.25:

Section 20.25 Penalties.

Any agency or individual violating subpart B of these regulations shall be subject to a fine not to exceed \$10,000. In addition, LEAA may initiate fund cut-off procedures against recipients of LEAA assistance.

While there are no current Florida Statutes which specifically address violations of privacy and security rules and regulations, it is anticipated that statutory sanctions and penalties will be developed in a manner consistent with Florida administrative and judicial practices. It is planned that the CJIS Council participate in this activity.

There are, for example, specific penalties imposed in Chapter 119 FS pertaining to violations of the Florida Public Records law. These provisions are relevant to the management and use of criminal history records.

- Sections 119.02 FS and Section 119.10 FS provide that:

119.02 Penalty.--Any public official who shall violate the provisions of subsection 119.07(1) shall be subject to suspension and removal or impeachment and, in addition, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or 775.083.

119.10 Violation of chapter a misdemeanor --Any person willfully and knowingly violating any of the provisions of this chapter shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

There are sanctions and conditions in the FDCLE/FCIC user agreement. These provide for the suspension of participation in the FCIC/CCH program in the event of privacy and security violations. These conditions are included below:

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
FLORIDA CRIME INFORMATION CENTER
INTRASTATE EXCHANGE OF CRIMINAL JUSTICE INFORMATION AGREEMENT

The Florida Department of Law Enforcement (FDLE) through the Florida Crime Information Center (FCIC) agrees to furnish to _____, a criminal justice agency, such criminal history information as is available in FCIC files subject to the following provisions:

_____ agrees to abide by all present rules, policies and procedures of the FDLE, as well as any rules, policies and procedures hereinafter adopted by the FDLE upon notification.

The FDLE reserves the right to immediately suspend furnishing criminal history data, and to remove any and all FDLE equipment provided to _____ when either the security or dissemination requirements adopted by the FDLE are violated. The FDLE may reinstate the furnishing of data upon receipt of satisfactory assurances that such violation(s) has been corrected.

POLICY ISSUES

Of the procedures mandated by federal regulations, the audit requirement will impose the most significant cost impact on Florida. The annual audit is a new requirement which crosses many jurisdictional lines. There are no current specific definitions of audit scope, responsibilities, or authorities. There are, for example, residual questions related to who will conduct audits, what specific data and processes will be audited, and how the audits will be financed.

Audit Staff Options

A number of options will be examined to designate the most appropriate and cost effective placement of audit responsibility. Among the options to be reviewed are:

- An audit staff augmentation of FDCLE
- A separate audit team made up of representatives of the criminal justice system
- A contractual arrangement with "outside" auditors
- A mix of criminal justice staff, Auditor General staff and outside auditors
- A Privacy and Security audit staff augmentation of the Florida Auditor General

Planned Actions

The following actions will be taken to support implementation of the audit program:

- A recommendation will be made to the Governor that the Florida Auditor General assume the audit responsibilities in accordance with the Florida administrative procedures.
- Additional specific statutory amendments will be sought to include responsibilities for the annual auditing of criminal history records, dissemination logs and compliance with Title 28 including a definition of the relationships between the auditor and FDCLE.
- The resources required for the initiation and maintenance of the annual audit will be specified and additional funding and manpower will be identified in coordination with the annual criminal justice system Action Plan.

VII
S E C U R I T Y

The security requirements for both automated and non-automated system operations are defined in Section 20.21(f) of Title 28, March 19, 1976.

A listing of these requirements, portrayed against a current status summary in Florida, is included in Figure 7-1 with source references. This illustration also includes references to chapters in the Plan in which some of the requirements are addressed.

As indicated in Figure 7-1, Florida systems are generally in compliance with federal regulations. The areas in which additional actions are being taken or planned are cited. The central repository, FDCLE, is in compliance and has supporting legislation.

Although there have been very few known incidents in the State involving the theft or destruction of criminal justice records, other than as a result of accident, the potential for such occurrences continues to exist and may increase in the future.¹ To insure that security remains a matter of continuing attention, security actions are in effect or planned in all criminal justice records centers, criminal justice data processing centers, and other areas in which criminal history records are maintained or processed. The CJIS Council is influential in this activity as part of its statutory authority and will continue to make recommendations.

CURRENT STATUS

As compared to Privacy which relates primarily to legal and policy considerations, Security is accomplished through organizational, procedural, technical and mechanical processes. Security involves physical, personnel and system factors.

¹For example see latest (Feb 1976) FBI data on bombings of criminal justice facilities; current Congressional hearings; and GAO Report (May 1976) on security of computers in the Federal Government; National incidents of bombing as a political instrument.

FIGURE 7-1
SECURITY STATUS

REQUIREMENT Sec. 20.21(f) Title 28		PLAN
GENERAL	CURRENT STATUS SUMMARY	Chapter
<p>(f) Security. Wherever criminal history record information is collected, stored, or disseminated, each State shall insure that the following requirements are satisfied by security standards established by State legislation, or in the absence of such legislation, by regulations approved or issued by the Governor of the State.</p> <p>(1) Where computerized data processing is employed, effective and technologically advanced software and hardware designs are instituted to prevent unauthorized access to such information.</p> <p>(2) Access to criminal history record information system facilities, systems operating environments, data file contents whether while in use or when stored in a media library, and system documentation is restricted to authorized organizations and personnel.</p>	<ul style="list-style-type: none"> ● <u>In Compliance</u> <ul style="list-style-type: none"> -- Additional Standards Legislation planned -- System in compliance: CJIS Master Plan, FCIC System Standards, FCIC System Security Standards, User Agreement 	<p>I</p> <p>VII</p>
COMPUTER OPERATIONS	<ul style="list-style-type: none"> ● <u>Compliance</u> <ul style="list-style-type: none"> -- Dedicated primary system -- CJIS Master Plan -- FCIC System Standards -- FCIC Terminal Security -- FCIC Manual -- Other state/local information system master plans 	<p>CJIS Master Plan</p>
	SYSTEMATIC AUDIT	
<p>(B) A criminal justice agency shall have the right to audit, monitor and inspect procedures established above.</p>	<ul style="list-style-type: none"> ● <u>General Compliance</u> <ul style="list-style-type: none"> -- User Agreements -- System Operations Policies -- Audit Plan 	<p>VII</p> <p>VI</p>

FIGURE 7-1

REQUIREMENT	CURRENT STATUS	PLAN
PERSONNEL		Chapter
<p>(4) The criminal justice agency will:</p> <p>(A) Screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information.</p> <p>(B) Have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to such information where such personnel violate the provisions of these regulations or other security requirements established for the collection, storage, or dissemination of criminal history record information.</p>	<ul style="list-style-type: none"> ● <u>Compliance</u> <ul style="list-style-type: none"> -- User Agreements -- Operating Procedures -- Legislation Desirable 	<p>VII</p>
NON-AUTOMATED		
<p>(C) Institute procedures, where computer processing is not utilized, to assure that an individual or agency authorized direct access is responsible for (i) the physical security of criminal history record information under its control or in its custody and (ii) the protection of such information from unauthorized access, disclosure, or dissemination.</p> <p>(D) Institute procedures, where computer processing is not utilized, to protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or man-made disasters.</p> <p>(E) Provide that direct access to criminal history record information shall be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system.</p>	<ul style="list-style-type: none"> ● <u>General Compliance</u> <ul style="list-style-type: none"> -- General Agreement Between FDCLF and Users -- Controlled Access, and Operating Security in Central Repository -- Operating Procedures -- Pending Legislation 	<p>II, III</p>
TRAINING		
<p>(5) Each employee working with or having access to criminal history record information shall be made familiar with the substance and intent of these regulations.</p>	<ul style="list-style-type: none"> ● <u>Compliance</u> <ul style="list-style-type: none"> -- On Going Training -- Additional Training Proposed 	<p>VII VIII</p>
<p>AUDITS - ANNUAL 20.21 (e)</p>	<ul style="list-style-type: none"> ● <u>Compliance</u> <ul style="list-style-type: none"> -- Audit Authority, Audit Plan and Procedures Proposed -- On-going Audit -- Field Staff 	<p>VI, VIII</p>

In Florida the security processes are the result of more than six years of experience with central computer systems; long term participation in the SEARCH development efforts; and direct interdependent system development with NCIC. There are established FCIC security standards both for operations and terminal site selection. The central repository computer complex is a dedicated system and there are stringent access standards. The FDCLE facility has established access and identification controls and staff selection screening procedures.

Other system characteristics include established user agreements; field staff audits of security; and legislation (Ch 943.08 FS) which establishes continuing review and development of operating policies and procedures which insure the physical security of the criminal justice information system.

At the local operating level there are some security deficiencies in respect to records accessibility, particularly in non-law enforcement agencies, which will be alleviated as standards are observed system-wide.

Within the FDCLE Division of Criminal Justice Information Systems, the Computer Operations Section is responsible for data input and scheduling, operation, and control of the computers and related equipment. The section maintains an eight computer front-end/back-end system with communication message processing taking place on the front-end and information processing on the back-end.

Information processing is performed on two Burroughs B2700 computers which share 2.5 billion characters of direct-access storage used for the FCIC information systems. At present, there are .5 billion characters of direct users storage available. Communications processing is handled by two Burroughs B3700 computers each with two Burroughs B774 communications control computers attached.

The System configuration consists of redundant computers and separated functions to insure maximum flexibility, security, and

reliability. This reliability factor is further enhanced by an uninterruptible power system which regulates the city power to provide a constant level and serves as the main power source when primary power fails. The Operations Section also has communication coordinators who provide statewide training and assistance on the FCIC information and communication services and instruction in the operation of the terminal to the FCIC users. Figure 7-2 is a generalized schematic of the system configuration.

The Florida Crime Information Center (FCIC) network is the link between the criminal justice community and the information systems and communications capabilities provided by the Division of Criminal Justice Information Systems. Figure 7-3 illustrates the coverage of the FCIC network including the activities associated with criminal histories.

The FCIC Operating Rules and Procedures include the following provisions designed for maximum system protection:

- Terminals shall remain turned ON in COMMUNICATE mode 24 hours a day. (See section 1.4, Terminal Operation)
- Terminals shall be located so as to eliminate access by unauthorized personnel.
- All FCIC messages shall be treated as confidential, unless otherwise specified by the originating agency.
- The FCIC System will be used only by law enforcement and criminal justice agencies and for official purposes only.

CONTINUING PROCEDURES

Security is regarded, in Florida, as an ongoing process. Because there are a variety of local conditions the FDCLE rules and procedures provide model guidance which are intended to insure both maximum service and system protection. The security procedures will provide that local agencies accomplish a security assessment of facilities and practices to identify needs, objectives and priorities over the next 2 year period.

FIGURE 7-2

Generalized Schematic Diagram of
FDCLE Data Processing Center

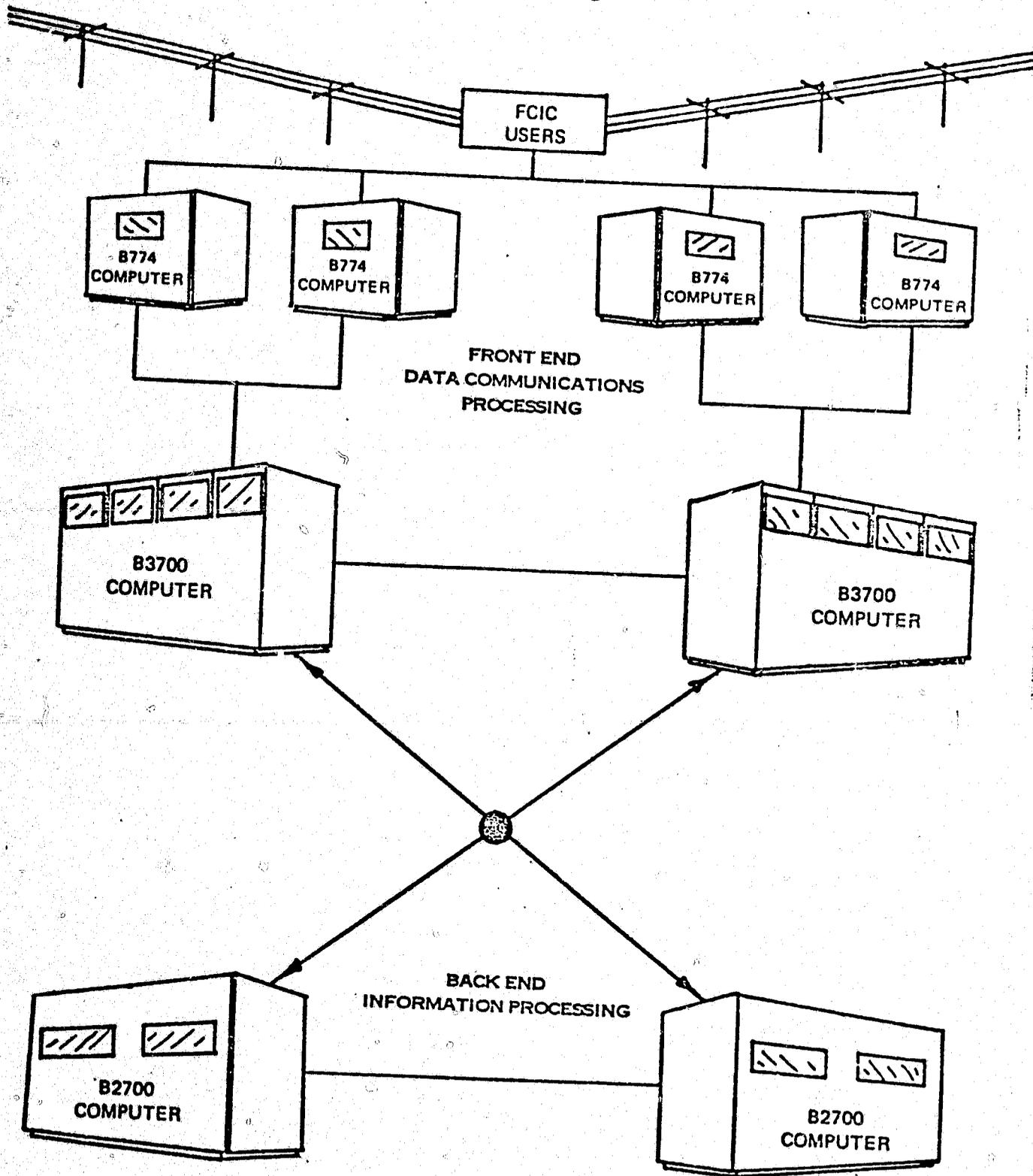
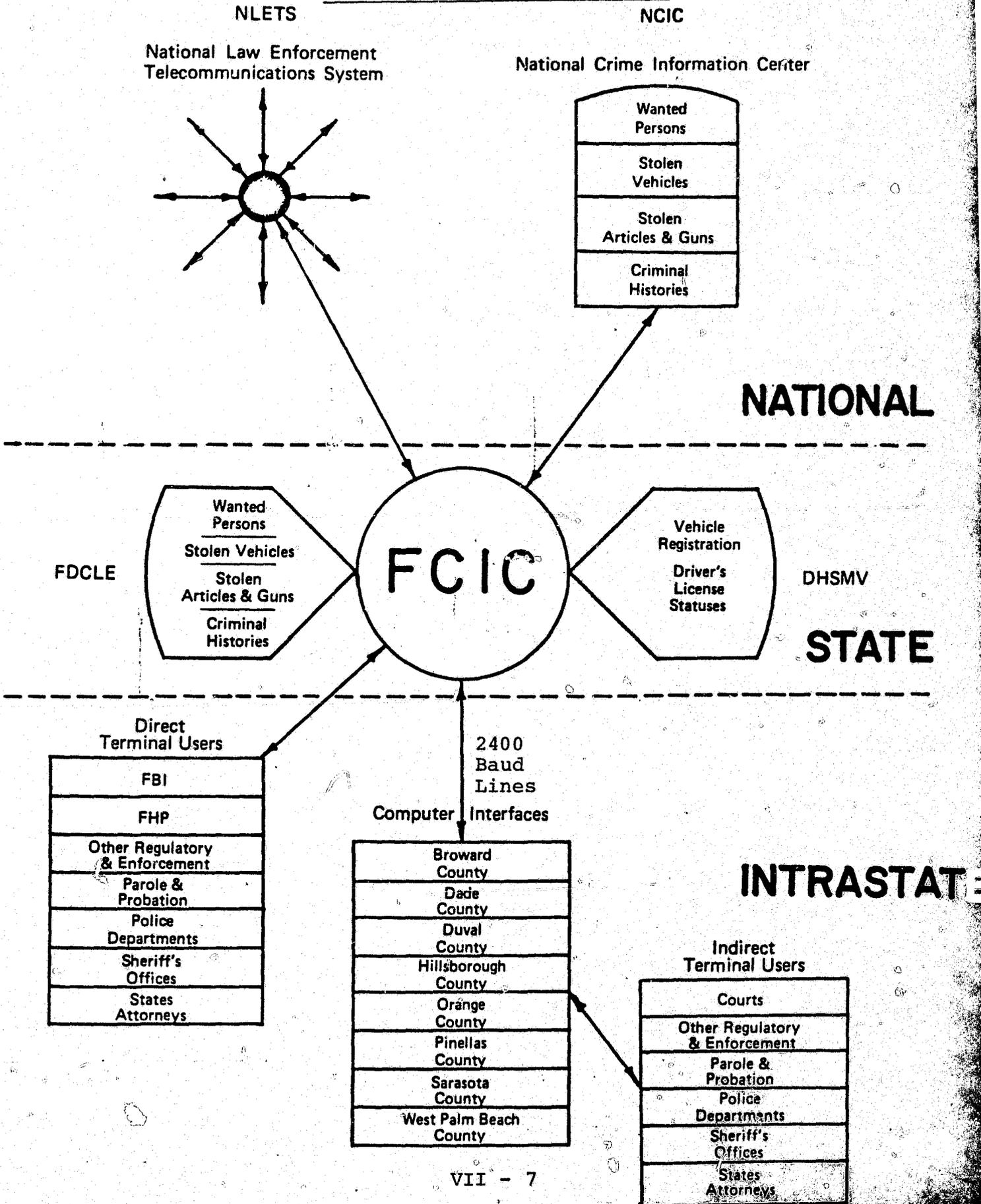


FIGURE 7-3

COVERAGE OF THE FCIC NETWORK
FCIC COMMUNICATIONS SERVICES



Existing rules, regulations, policies and procedures can be assembled in a Security Master Plan along with specific individual plans and priorities for each participating agency. The scope and extent of each individual plan can depend on the individual agency's size and requirements. Accompanying the plan could be a training schedule and a multi-year action budget to include correction, remedial or maintenance items necessary to insure compliance with established security standards.

The general guide for security programs includes the following steps:

- Establish a security program
 - Resolve that a program is needed; determine how much security is adequate
 - Appoint permanent security officer(s)
 - Develop an interim security plan (passive and/or active) and security regulations
 - Implement interim security plan and regulations
- Conduct a short-term risk analysis
 - Estimate probabilities of security breaches and natural hazards
 - Identify "weak links" in security chain
 - Estimate potential losses
 - Predict consequences of losses and determine acceptable level of security risks
 - Project annual loss expectancy and security breaches
 - Implement "stop gap" security measures
 - Devise short-term remedial measures
 - Revise security Plan and regulations
- Implement security plan and regulations

- Phase in short-term remedial security measures
- Designate specific and detailed security responsibilities for facility personnel
- Initiate on-going security training program
 - Awareness
 - Procedures
 - Responsibilities
- Conduct long-range risk analysis
 - Follow steps in short-term risk analysis, as appropriate
 - Consider relocation of activities, if necessary
 - Implement costly remedial security measures as budget allows, in balance with evaluation of acceptable levels of security risk
- Phase in long-range remedial security measures
- Plan for contingencies
- Conduct periodic security audits and inspections
 - Audit and inspect
 - Simulate security breaches and penetration
 - Report on status of security

The total program can be made applicable to either automated or non-automated activities by observing the applicable component requirements of the federal regulations.

SCHEDULE OF SECURITY PROGRAM IMPLEMENTATION

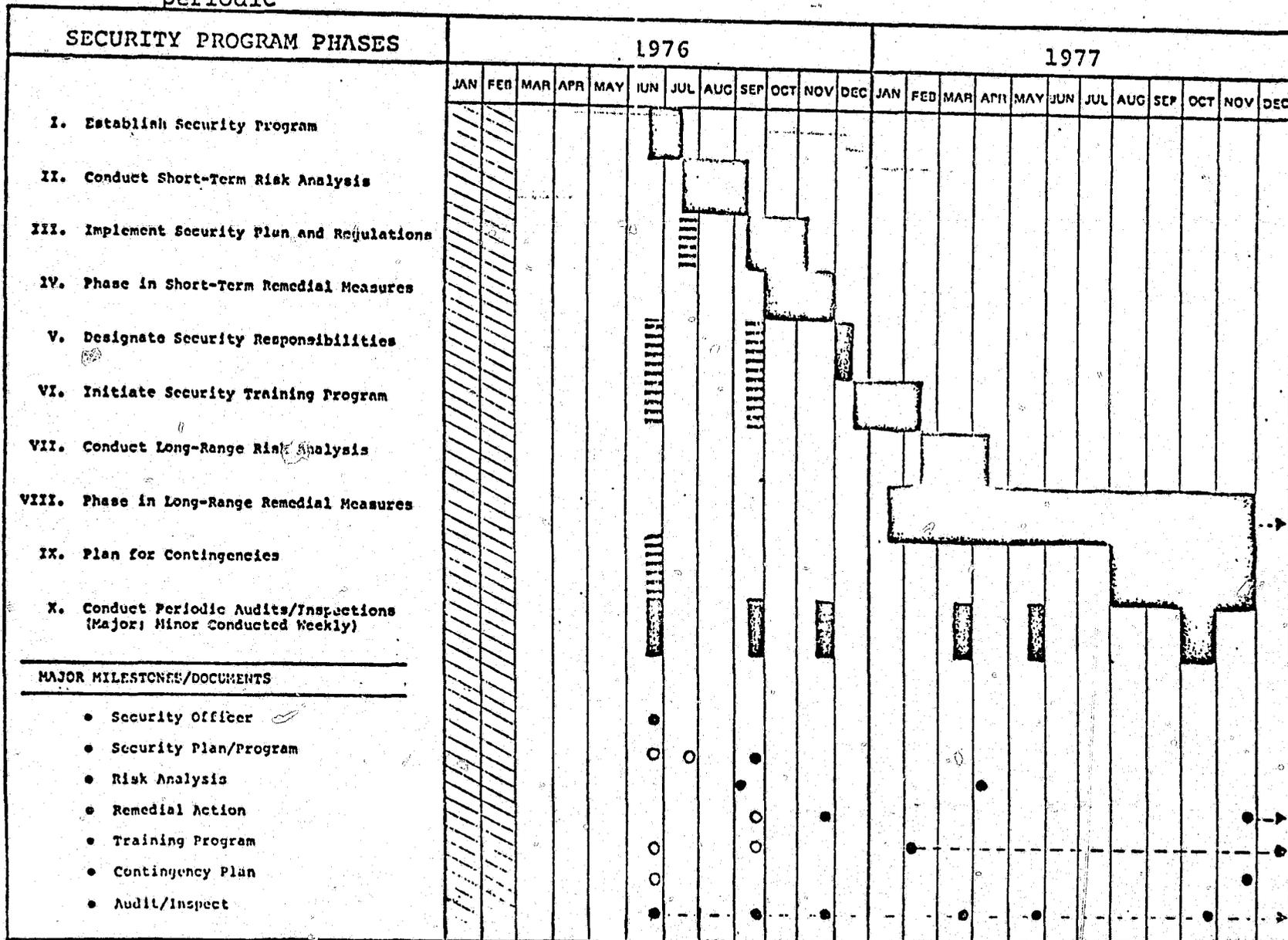
Figure 7-4 details a typical schedule of implementation of the security program considered in this chapter. The schedule

FIGURE 7-4

SECURITY PROGRAM

TIME-PHASED SCHEDULE

- = Major
- = Interim
- = on-going/periodic



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includes ten major steps toward a complete security program to be completed in a two year period. Major milestones and associated documents are identified. The schedule can be adapted to the individual needs of specific agencies. The model will be similar to that of the National Bureau of Standards, May 30, 1975 which is included as Figure 7-5.

MANAGEMENT CONTROL OF CENTRAL REPOSITORY

The Florida Department of Criminal Law Enforcement's dedicated central repository system is a model for the state. The management control of the central repository will be retained by FDCLE.

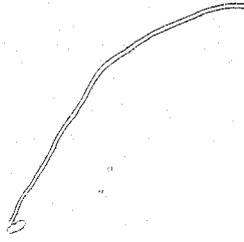
POLICY ISSUES

In the large Florida System, security conditions can be expected to, and do, vary widely from the state to the local level and among component agencies of the criminal justice system. Security planning actions will emphasize consistency. Major issues to be resolved include:

- The assessment of actual needs
- The costs and benefits of corrective security actions
- The management control of local computer systems and subsystems

Additional legislation related to security matters will be sought.



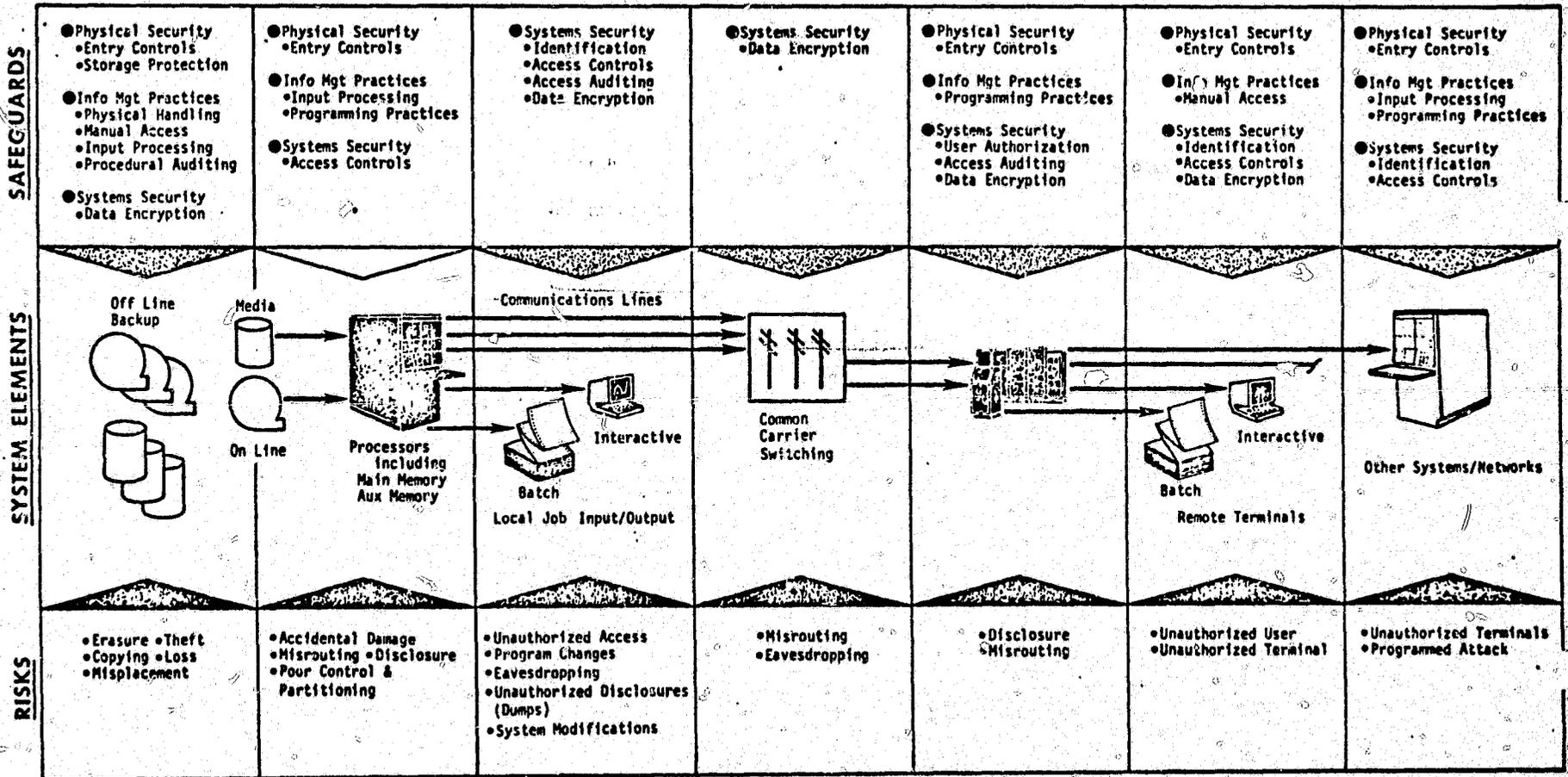


CONTINUED

1 OF 2

FIGURE 7-5

TECHNICAL SAFEGUARDS AND DATA SECURITY RISKS



VIII

S U M M A R Y O F C O M P L I A N C E

Many of the Florida administrative and legislative provisions related to the management of criminal history records preceded the federal regulations. In addition, there has been a continuing modification of regulations and procedures designed to meet the needs of Florida citizens and the criminal justice system and additional actions are planned. The activities associated with criminal history records in the Florida criminal justice system are supported by a complete spectrum of statutory and administrative mechanisms including:

- Relevant Florida Public Records and Administrative Procedures Statutes (FS 119, 120)
- A series of Attorney General Opinions related directly to public records and criminal history records
- Statutory definition of responsibilities for the central repository for CHRI policy and procedures (FS 943)
- Statutory definition of dedicated state law enforcement data processing center (FS 23)
- Statutory provisions supporting an audit program with semi-annual reports to the Florida legislature (CH 11.45 FS)
- Statutory creation of a CJIS Council with definition of policy and procedural responsibilities for CHRI (CH 943.06, 08 FS)
- Established mechanism for the development and promulgation of CHRI procedures, rules, regulations and advisories by the FDCLE in accordance with the provisions of the Florida Administrative Procedures Act (CH 120 FS)

- Established mechanisms for rights of review and appeal of decisions in numerous Florida statutes including FS 119 and FS 120
- Continuing appraisal of privacy and security issues and legislation, both federal and state, by the CJIS Council
- Standard Operating Manuals for both reporting of information and the management of the information/communication system
- Established mechanisms, through BCJPA initiatives, for the coordinated and interactive development of essential CJIS components such as disposition reports.

In reference to Section 20.22 of Title 28, these elements are indicative of the extent of current compliance in Florida. The primary concern at the local level has been the degree to which information could be disseminated consistent with Federal regulations and Florida law. An additional local concern continues to be with improvements in the physical and administrative security of records.

CONTINUING OR PLANNED ACTIVITIES

System refinement has been, and remains, a continuing process in Florida. Among system considerations under review or planned the following are examples of actions dealing with matters of criminal history information, privacy and security which will be undertaken.

- The development of additional legislation defining security standards (Section 20.21(f) Title 28). Chapter VII.
- The development and proposal of additional legislation pertaining to comprehensive disposition reporting. Disposition reporting modifications are being examined through a joint effort of all criminal justice components and additional legislation was suggested by this group, to the Florida Legislature, in a communique of May 1976. Chapter III.

- The development of a coordinated state procedure, including definition of authority, for developing a formalized audit program of criminal history record management processes. This procedure would evolve from existing, but uncoordinated authorities or from proposed legislation. Chapter VI.
- A pilot test project related to revised privacy and security procedures will be considered.
- An examination of the benefits to be achieved through a standardized training program, or training bloc in existing curricula, to insure that privacy and security principles and regulations are applied uniformly throughout the state. This effort would be in accordance with section 20.21(f)(5) of Title 28 and would be an extension of existing practices of training and communication. There are already statutory provisions for an effort of this type which is developed and conducted in the context of Ch 943.09-17 FS and Ch 943.26- FS. This statute provides for standards, training, technical assistance and field support by FDCLE to local agencies
- An examination of the benefits to be achieved through a public education program related to the provisions of Title 28 along with the Privacy Act and Freedom of Information Act (1974). This effort would be consistent with current Florida practices both in respect to the Public Records law and the Florida Standards and Goals program procedures of extensive local participation. The program would have the following objectives:
 - To provide public information concerning criminal history record information. This will include information on why it is maintained and the existing policies through which the information is kept secure and dissemination is controlled
 - To inform citizens of their rights to review and appeal for the purpose of correcting records and the procedures for doing this

- To develop procedures for assisting vulnerable groups
- To provide information concerning the processes of purging and sealing of records.

The overall objective of the education program would be to improve the effectiveness of the criminal justice information system through the process of informing the public of the equity and security of the system, and the provisions of Florida law.

- An examination of standards for non-disclosure, as experience develops. Experience with other similar legislation indicates that individual events and cases frequently establish substantive principles which can be applied by the judiciary and legislature as the system is used
- The development of dissemination logs and user agreements has begun in FDCLE and will be a continuing effort which will include local agencies. One objective will be to develop a maximum degree of uniformity and consistency.
- The preparation and distribution of a brief annual report related to matters of Privacy and Security of Criminal History Records.

This report is consistent with current Florida administrative procedures. It will also be a useful guide to the status of this subject in Florida. The experience of the U.S. Department of Justice, with a high volume of law suits related to the Freedom of Information Act and the Privacy Act, is indicative of the need to keep the State leadership informed of the status of this public issue.

The annual report will be prepared for the Governor and subsequent distribution to the Legislature and Judicial Branch and will describe activities associated with achievement of the program objectives. The report will identify accomplishments and

major areas of public concern or controversy related to the issues of individual privacy and the public interest. The report will be action oriented, directed toward gaining support for the implementation of activities which have been identified as public interest priorities.

IMPLEMENTATION PLANNING SCHEDULE

Figure 8-1 is a detailed portrayal of each of the planned activities under consideration. This schedule is tentative. The major planning action will be directed toward the resolution of identified issues.

CERTIFICATE OF THE CENTRAL REPOSITORY

The Certification pertaining to the Florida Central Repository (FDCLE) is included as Figure 8-2.

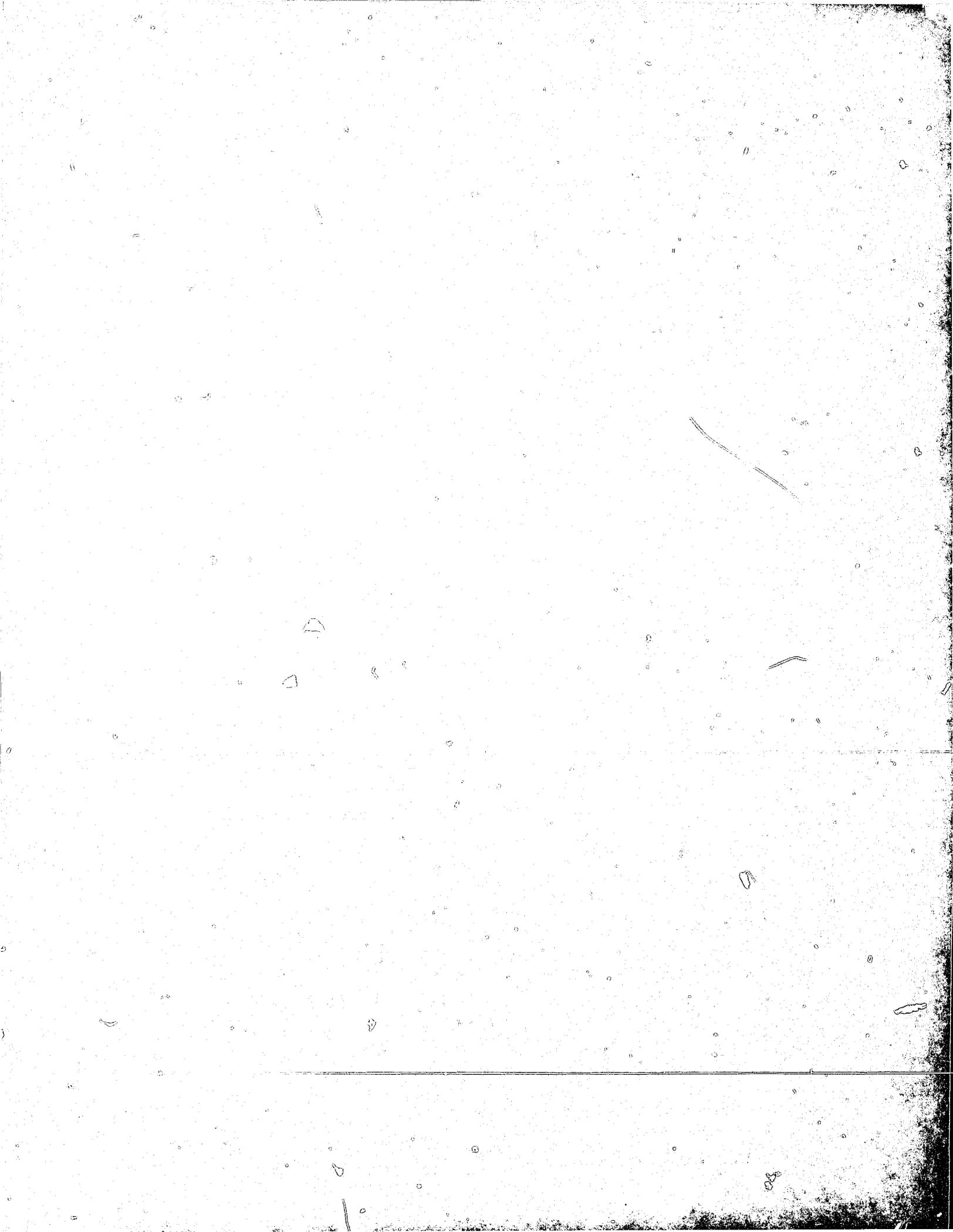


FIGURE 8-1

STATE OF FLORIDA

MANAGEMENT IMPLEMENTATION SCHEDULE

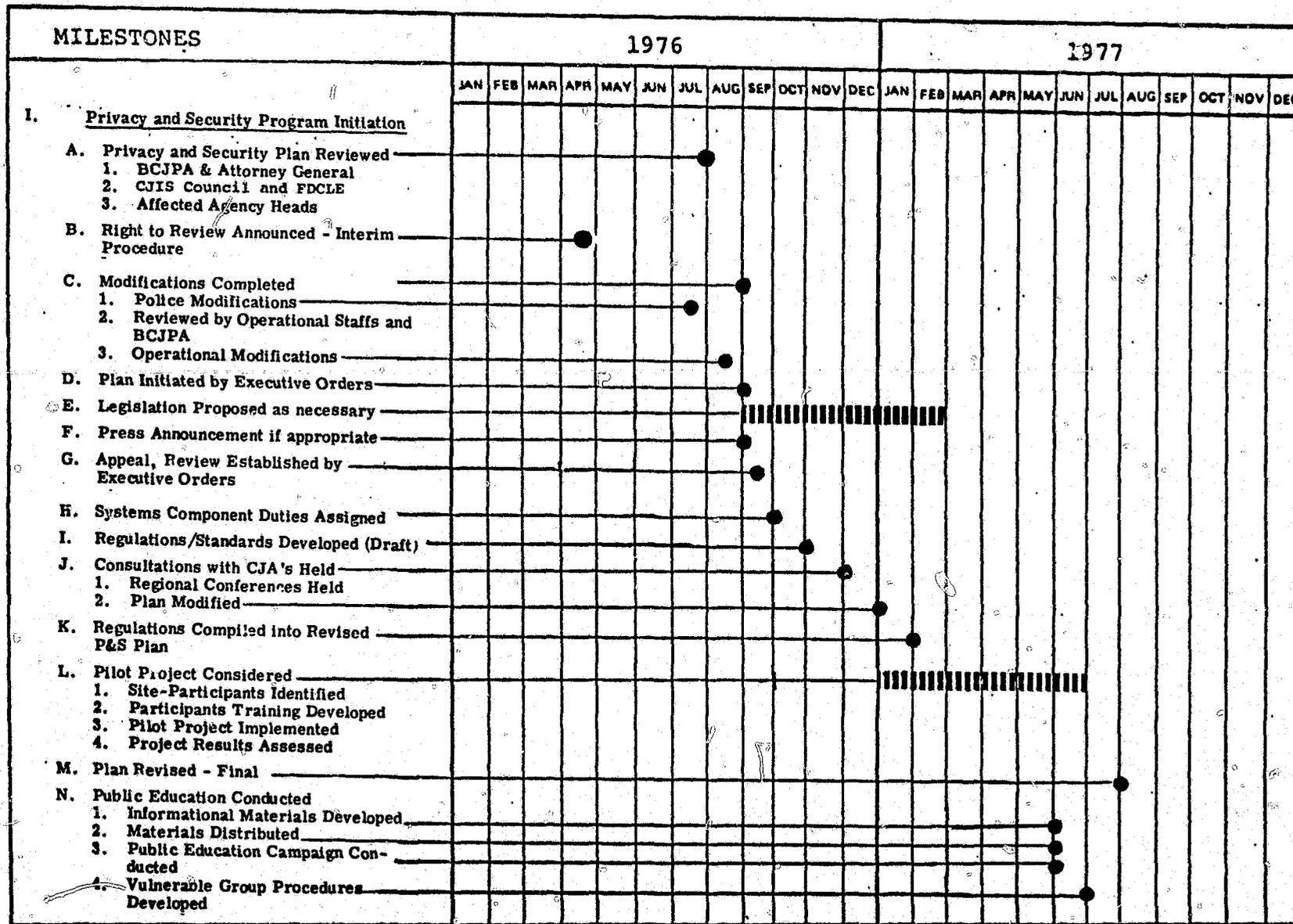
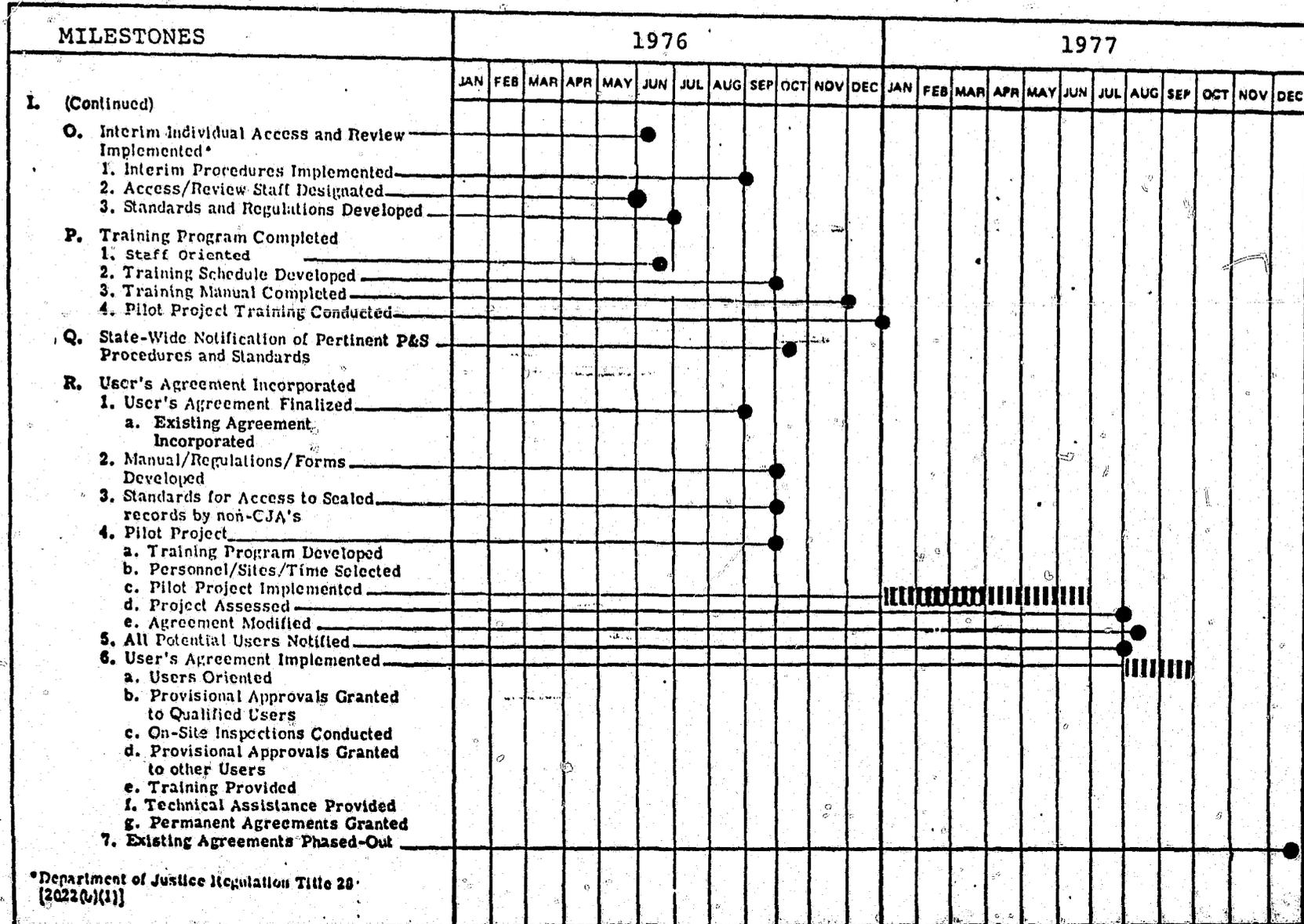


FIGURE 8-1

MANAGEMENT IMPLEMENTATION SCHEDULE



*Department of Justice Regulation Title 28 [2022(4)(1)]

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FIGURE 8-1

MANAGEMENT IMPLEMENTATION SCHEDULE

MILESTONES	1976												1977											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
II. Procedural Milestones																								
A. State-Wide Promulgation to CJA's of Final P&S Plan Completed																								
B. Accuracy, Completeness, Modification and Control Procedures Operational																								
1. Records Management																								
2. Validation																								
3. Disposition Reporting																								
4. Disposition Reporting Form																								
5. Disposition Posting																								
C. Procedures on Dissemination Limitation Initiated																								
1. Purging/Sealing/Expungement																								
a. Records Custodian Designated																								
b. Non-CJ User's Notified																								
c. Logs and Indices Developed																								
d. Records Segregated																								
e. Records Management Procedures Set																								
f. Security Established																								
g. Suspense Dates Posted																								
2. Users Classified																								
3. Juvenile Record Procedures Refined as Necessary																								
a. Records Segregated																								
D. Individual Access and Review																								
1. Permanent Procedures Implemented																								
2. Public Notified																								
E. Training																								
1. State-Wide Training Implemented																								
F. Security Program as Necessary																								
1. Interim Security Program Initiated																								
2. Short-Term Remedial Program Begun (As Required)																								
3. On-Going Security Program																								
4. Long-Range Planning and Remedial Action Conducted																								

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FIGURE 8-1

MANAGEMENT IMPLEMENTATION SCHEDULE

MILESTONES	1976												1977											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
III. Program Review and Modification																								
A. Annual Audit Conducted																								
1. Annual Audits Scheduled																								
2. Agencies Notified																								
3. Audit Conducted																								
a. Remedial Action Initiated																								
b. Remedial Action Monitored																								
B. Annual Report Submitted																								
1. Orientation Meeting Conducted																								
2. Data Collected																								
3. Annual Report Prepared																								
4. Governors Review																								
5. Judiciary and Legislature Receive Copies																								
C. Annual Plan Revised																								
1. Orientation Meeting Conducted																								
2. Regional Public Hearings Held																								
3. Plan Revised and Submitted																								
D. LEAA Certification (Annual)																								

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FIGURE 8-2
CERTIFICATION
CENTRAL REPOSITORY, FDCLE
STATE OF FLORIDA

OPERATIONAL PROCEDURES	Now Implemented	Reasons For Non-Implementation			Estimated Implementation Date
		Cost	Technical	Lack of Authority	
Completeness and Accuracy					
Central State Repository:					
Statutory/Executive Authority	X				
Facilities and Staff	X				
Complete Disposition Reporting in 90 days from:					
Police	X				
Prosecutor	X				
Trial Courts	X				
Appellate			X		Dec. 1977
Probation			X		Dec. 1977
Correctional Institutions			X		Dec. 1977
Parole			X		Dec. 1977
Query before Dissemination:					
Notices/Agreements--Criminal Justice	X				
Systematic Audit:					
Delinquent Disposition Monitoring	X				
Accuracy Verification	X				
Notice of Errors	X				
Limits on Dissemination*					
Contractual Agreements/Notices and Sanctions in Effect For:					
Criminal Justice Agencies	X				
Non-Criminal Justice Agencies					
Granted Access	X				
Service Agencies Under Contract	X				
Research Organizations	X				
Validating Agency Right of Access	X				
Restrictions On:					
Juvenile Record Dissemination	X				
Confirmation of Record Existence	X				
Dissemination Without Disposition	X				
Audits and Quality Control					
Audit Trail:					
Recreating Data Entry	X				
Primary Dissemination Logs	X				
Secondary Dissemination Logs		X			Dec. 1977
Annual Audit		X		X	Dec. 1977

* There is no requirement that a reason be given for nonimplementation of these procedures before December 31, 1977.

FIGURE 8-2
CERTIFICATION
CENTRAL REPOSITORY, FDCLE
STATE OF FLORIDA

	Now Implemented	Reasons For Non-Implementation			Estimated Implementation Date
		Cost	Technical	Lack of Authority	
<u>OPERATIONAL PROCEDURES</u>					
<u>Security</u>					
Executive/Statutory Standards Prevention of Unauthorized Access and Tampering:	<u>X</u>	---	---	---	---
Hardware/Software Designs for Computer Systems.	<u>X</u>	---	---	---	---
Designs for Manual Systems	<u>X</u>	---	---	---	---
Criminal Justice Agency Authority:					
Computer Operations Policy Development or Approval	<u>X</u>	---	---	---	---
Approval and Clearance of Personnel	<u>X</u>	---	---	---	---
Physical Security:					
Theft, Sabotage	<u>X</u>	---	---	---	---
Fire, Flood, Other Natural Dangers	<u>X</u>	---	---	---	---
Employee Training Program	<u>X</u>	---	---	---	---
<u>Individual Right of Access</u>					
Rules for Access	<u>X</u>	---	---	---	---
Point of Review and Mechanism	<u>X</u>	---	---	---	---
Challenge by Individual	<u>X</u>	---	---	---	---
Administrative Review	<u>X</u>	---	---	---	---
Administrative Appeal	<u>X</u>	---	---	---	---
Correction/Notification of Error	<u>X</u>	---	---	---	---

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

Signed _____
 (Head of State Agency designated to be responsible for these regulations.)

APPENDIX A

DEFINITIONS

The definitions used in the Plan are listed below. These definitions have been derived from Title 28 [Section 20.3]; FS 119; FS 943; current usage in Florida, and Rule 11-C-6 of the FDCLE in which definitions and commentary in Title 28 are adopted by reference. These definitions are subject to revision in Florida and will be refined and modified in the future.

Act

The Omnibus Crime Control and Safe Streets Act, [PL93-83] 42 USC 3701, et seq, as amended. [Sec. 20.3(f), Title 28]

Administration of Criminal Justice

Performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information. [Sec. 20.3(d), Title 28]

Agency

Any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency. [Ch. 119.011(2) FS]

Criminal History Record Information

Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records or photographs to the extent that such information does not indicate involvement of the individual in the criminal justice system [Sec. 20.3(b), Title 28]. See Criminal Justice Information for definitions in Florida statutes. Exclusions are listed as the last item in this appendix.

Criminal History Record Information System

A system including the equipment, facilities, procedures, agreements, and organization thereof, for the collection, processing, preservation, maintenance or dissemination of criminal history record information, whether automated or non-automated. [Sec. 20.3(a), Title 28]

See Criminal Justice Information System and Information Systems for definitions in Florida statutes.

Criminal Justice Agency

Criminal justice agency means: (1) courts; (2) a government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice [Sec. 20.3(c), Title 28]. Specific agencies are to be designated in Florida.

Criminal Justice Information

Information on individuals collected or disseminated as a result of arrest, detention, or the initiation of a criminal proceeding by criminal justice agencies, including arrest record information, correctional and release information, criminal history record information, conviction record information, identification record information, and wanted persons record information. The term shall not include statistical or analytical records or reports in which individuals are not identified and from which their identities are not ascertainable. The term shall not include criminal justice intelligence information. [943.07(3) FS]

Criminal Justice Information System

An information system for the collection, processing, presentation or dissemination of criminal justice information. [943.07(2) FS]

Criminal Justice Information Systems Council

The CJIS council established within the Florida Department of Criminal Law Enforcement. [943.06 FS]

Criminal Justice Intelligence Information

Information about an individual on matters pertaining to the administration of criminal justice, (or alleged criminal involvement) other than criminal justice information, which is indexed under an individual's name or which is retrievable by reference to identifiable individuals by name or otherwise. This term shall not include information on criminal justice agency personnel or information on lawyers, victims, witnesses, or jurors collected in connection with a case in which they were involved. [943.07(4) FS]

Criminal Justice System

That part of government jurisdiction which encompasses the broad functions of police, prosecution, defense, criminal courts, probation, correctional institutions, and parole.

Law enforcement and criminal justice means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction. [Sec. 601(a) PL93-83]

Direct Access

Means having the authority to access the criminal history record data base, whether by manual or automated means. [Sec. 20.3(e), Title 28]

Disposition

Information disclosing that criminal proceedings have been concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings and also disclosing the nature of the termination in the proceedings; or information disclosing that proceedings have been indefinitely postponed and also disclosing the reason for such postponement. Disposition shall include, but not be limited to, acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea,

convicted, youthful offender determination, deceased, deferred disposition, dismissed -- civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial -- defendant discharged, executive clemency, placed on probation, paroled, or released from correctional supervision. [Sec. 20.3(e), Title 28]

Dissemination

In 943.07(5) FS dissemination is defined as the transmission of information, whether orally or in writing.

In the context of the Privacy and Security Plan, an expanded description of dissemination means:

Transmission of criminal history record information to individuals and agencies other than the criminal justice agency which maintains the criminal history information. Includes confirmation of the existence or non-existence of a criminal history record. Includes interagency transfers in writing, orally, by machine, radio, personal exchange, mail or any other manner. Does not include intra agency transfers of information such as dispositions, charging or processing transfers.

The reporting of a criminal justice transaction to a State, local or federal repository is not a dissemination of information. [Sec. 20.21(e), Title 28] nor is "in-house" use or a "no record" response.

Individual Privacy

The legal and common law right to be safeguarded against unwarranted personal intrusion as a result of having sensitive personal information come into the position of an unauthorized receiver.

Information System

A system, whether automated or manual, operated or leased by state or local government or governments, including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of information. [943.07(1) FS]

Non-Conviction Data

"Non-conviction data" means 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 a 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. [Section 20.3(k), Title 28]

Public Records

Chapter 119 Florida statutes pertains to public records which are defined in Section 119.011(1) as follows:

(1) "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Additional provisions of this chapter which are of particular relevance to the Privacy and Security Plan are FS 119.07 and FS 119.11(1)(2). These are cited below:

119.07 Inspection and examination of records, exemptions.

(1) Every person who has custody of public records shall permit the records to be inspected and examined by any person desiring to do so, at reasonable times, under reasonable conditions, and under supervision by the custodian of the records or his designee. The custodian shall furnish copies or certified copies of the records upon payment of fees as prescribed by law or, if fees are not prescribed by law, upon payment of the actual cost of duplication of the copies. Unless otherwise provided by law, the fees to be charged for duplication of public records shall be collected, deposited, and accounted for in the manner prescribed for other operating funds of the agency.

(2) (a) All public records which presently are provided by law to be confidential or which are prohibited from being inspected by the public, whether by general or special law, shall be exempt from the provisions of subsection (1).

(b) All public records referred to in ss. 794.03, 198.09, 199,222, 658.10(1), 624,319(3), (4), 624,311(2), and 63.181, are exempt from the provisions of subsection (1).

(c) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment shall be exempt from the provisions of subsection (1). However, an examinee shall have the right to review his own completed examination.

Exemptions in 119.07(b) are certain records or information pertaining to rape, estate taxes, personal property taxes, banking, insurance and adoption. FS455.08 exempts certain administrative board actions.¹

¹There are also other Florida Statutes and common law decisions which relate to confidentiality of records.

119.11 Accelerated hearing; immediate compliance.

(1) Whenever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases.

(2) Whenever a court orders an agency to open its records for inspection in accordance with this chapter, the agency shall comply with such order within 48 hours, unless otherwise provided by the court issuing such order, or unless the appellate court issues a stay order within such 48-hour period. The filing of a notice of appeal shall not operate as an automatic stay.

Security

The reasonable protection of information in storage or transit from unauthorized access, tampering, or destruction through accidental, negligent, malicious, capricious, or hostile means.

System Security

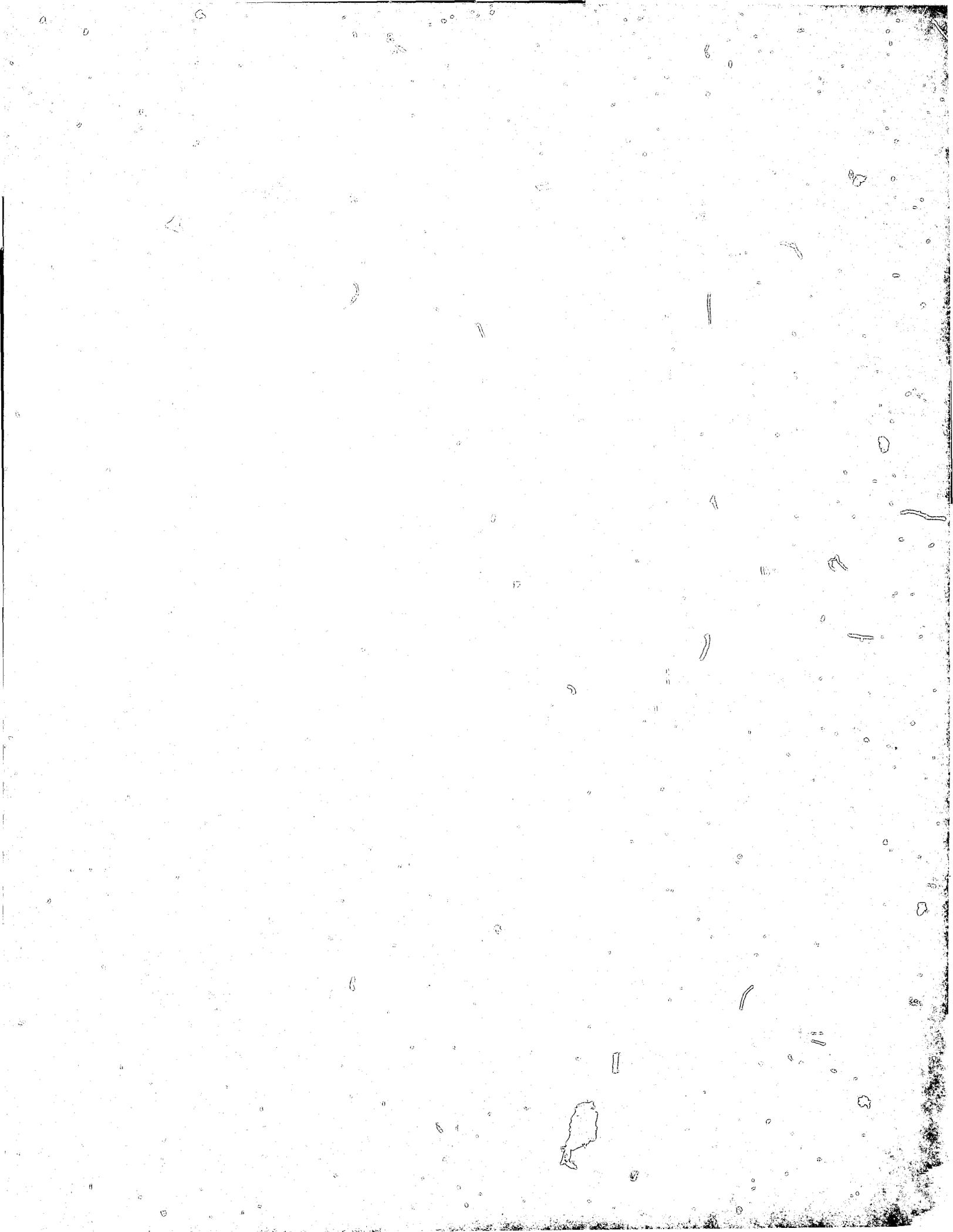
The ability to reasonably restrict the availability of specific information to authorized individuals, and the ability to physically protect all parts of the system, including the data, the system that processes that data, and the facility from any form of hazard that might endanger its integrity or reliability. System security also involves the ability to insure that system personnel are selected with due regard for security requirements.

EXCLUSIONS

The definition of criminal history record information does not include intelligence or investigative information. Thus, the regulations do not apply to such information as suspected criminal activity, associates, hangouts, financial information, or ownership of property or vehicles. They also do not apply to information such as statistics derived from offender-based transaction statistics systems which do not reveal the identify of individuals. Criminal records of corporations are not included in the definition of criminal history record information since identifiable individuals are not involved.

The regulations specifically exclude certain types of information that might otherwise be included within the definition of criminal history record information. These specific exclusions include information contained in:

- 1) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons.
- 2) Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long-standing custom to be made public, if such records are accessed solely on a chronological basis.
- 3) Court records of public judicial proceedings.
- 4) Published court or administrative opinions.
- 5) Public judicial, administrative or legislative proceedings.
- 6) Records of traffic offenses maintained by State departments of transportation, motor vehicles or the equivalent thereof for the purposes of regulating the issuance, suspension, revocation, or renewal of driver's, pilot's or other operators' licenses.
- 7) Announcements of executive clemency.



**EXAMPLE OF THE EXTENT OF
COVERAGE OF THE PRIVACY AND SECURITY REGULATIONS**

Type of Record System	Features	Coverage
Subject-in-process	Intra-Jurisdictional scope, multiple agency input, temporary storage, multi-agency access	Yes
Crime incident file	Time, place, characteristics of event	No, if arrestee not indicated
Field interview file	Citizen interview by police officer	No, unless also used to record detention/arrests
Local ordinance violations	Arrests/detentions for vagrancy, traffic, disorderly conduct, etc.	Yes
Intelligence files	Investigative observations, associations	No, (only any CHRI contained therein)
Alphabetical indexes to police case files	Name vs. case number	Yes
M. O. files	Data on all persons arrested/convicted for a particular offense	Yes, (need not be complete if only used internally)
Court case files	State vs. _____, filed chronologically or by alphabetical index	No
State Judicial Information System	Data on case flow and defendant flow, court management information, court statistics, may also include CCH component or link to CCH	No
Court calendaring	Scheduled dates of actions, names of participants (excluding references to arrests or dispositions)	No
Alpha-indexed appellate decisions	Court opinions of public judicial proceedings	No

DOCUMENT RELATED TO COMPLETENESS AND ACCURACY,
CHAPTER III
FIGURE B-1

FD-401 (Rev. 11/2/78)

UNIFORM CRIMINAL PROGRESS DOCKET

DEFENDANT'S NAME (LAST, FIRST, MIDDLE)					COURT CASE NUMBER					
					YEAR	NUMBER	TYPE	LOC.	DEF.	COUNTY
RACE	SEX	DATE OF BIRTH M D Y	ARREST AGENCY NUMBER	DATE OF ARREST M D Y	DPTS NO.					

FILING INFORMATION

FILING STATUS	FILING DATE M D Y	COMPANION CASE <input type="checkbox"/> YES <input type="checkbox"/> NO							
CHARGES (LITERAL)				CTS	STATUTE	NCIC CODE	TYPE COUNSEL (CHECK ONE)		
							CHECK ONE	TYPE	(NAME)
1.							<input type="checkbox"/>	PUBLIC DEFENDER	_____ (NAME)
2.							<input type="checkbox"/>	COURT APPOINTED	_____ (NAME)
3.							<input type="checkbox"/>	PRIVATE	_____ (NAME)
4.							<input type="checkbox"/>	SELF	

DISPOSITION INFORMATION

DATE OF FIRST APPEARANCE M D Y		RELEASE ACTION <input type="checkbox"/> BOND \$ _____ <input type="checkbox"/> SURETY \$ _____ <input type="checkbox"/> ROR			DATE OF PRELIMINARY HEARING M D Y					
DATE OF ARRAIGNMENT M D Y		DATE SPEEDY TRIAL WAIVED M D Y		TRIAL DATE M D Y		TRIAL TYPE <input type="checkbox"/> JURY <input type="checkbox"/> NON-JURY <input type="checkbox"/> PLEA		PRE-SENTENCE INVESTIGATION DATE M D Y		
CHARGES AT DISPOSITION <small>(IF NO CHANGE CHECK TO)</small>				CTS	STATUTE	NCIC CODE	P L E A	PLEA DATE M D Y	DISPO- SITION	DISPOSITION DATE M D Y
1. (CHARGES CHANGED TO)				<input type="checkbox"/>						
2. (CHARGES CHANGED TO)				<input type="checkbox"/>						
3. (CHARGES CHANGED TO)				<input type="checkbox"/>						
4. (CHARGES CHANGED TO)				<input type="checkbox"/>						

SENTENCING INFORMATION

DATE OF SENTENCE M D Y	SENTENCE (LITERAL)

CASE PROGRESS (Continue on Continuation Sheet)

DATE M D Y	

ORIGINAL - CLERKS OFFICE

FIGURE B-2

RULES

OF

THE FLORIDA DEPARTMENT OF CRIMINAL LAW ENFORCEMENT

CHAPTER 11C-4

CRIMINAL HISTORY RECORDS; FINGERPRINT CARD

AND DISPOSITION REPORTING PROCEDURES

11C-4.03 Arrest Fingerprint Card Submission. In order for the Department to properly carry out those mandates in Section 943.05, Florida Statutes, pertaining to the establishment and maintenance of criminal histories based on positive identification using fingerprint comparison, all law enforcement agencies of the State shall take the following action on all misdemeanor and felony arrests made:

- (1) Complete at the time of arrest, as outlined in the Department's Identification Manual and on forms provided by the Department, a criminal arrest fingerprint card.
- (2) Submit on a daily basis all completed fingerprint cards to the Department, attention: Crime Information Bureau, using procedures further detailed in the "Single Fingerprint Card Submission Program", in the Department's Identification Manual.
- (3) The only exceptions to the foregoing requirements shall be that charges regarding drunkenness and minor traffic offenses as well as charges made the subject of a field citation under statutes such as section 901.28, Florida Statutes, need not be submitted to the Department unless, of course, the arresting agency requires a criminal history check or major charges are associated with such charges.
- (4) Charges regarding "minor traffic offenses" do not include:
 - (a) Driving while intoxicated;
 - (b) Leaving the scene of an accident;
 - (c) Fleeing or attempting to elude a police officer;
 - (d) Making a false accident report;
 - (e) Reckless driving;
 - (f) Other offenses against the traffic and motor vehicle laws which have not been decriminalized.

General Authority: 943.03, 943.05, F.S. Law Implemented: 943.05, F.S.

FIGURE B-3

FLORIDA DEPARTMENT OF LAW ENFORCEMENT P. O. BOX 1489, TALLAHASSEE, FLORIDA 32302		
<p>(22) PALM PRINTS TAKEN? YES NO <input type="checkbox"/> <input type="checkbox"/></p> <p>(23) PHOTO AVAILABLE? YES NO <input type="checkbox"/> <input type="checkbox"/></p> <p>IF AVAILABLE, PASTE PHOTO OVER INSTRUCTIONS IN DOTTED AREA → <small>(DO NOT USE STAPLES)</small> <small>ONCE PHOTOGRAPH HAS BECOME DETACHED INDICATE NAME, DATE TAKEN, FBI NUMBER, CONTRIBUTOR AND ARREST NUMBER ON REVERSE SIDE, WHETHER ATTACHED TO FINGERPRINT CARD OR SUBMITTED LATER.</small></p> <p>IF ARREST FINGERPRINTS SENT FBI PREVIOUSLY AND FBI NO. UNKNOWN, FURNISH ARREST NO. _____ DATE _____ (24)</p> <p>STATUTE CITATION (SEE INSTRUCTION NO. 9) <u>CIT</u> (25) 1. _____ 2. _____ 3. _____</p> <p>ARREST DISPOSITION (SEE INSTRUCTION NO. 5) <u>ADN</u> (26) 1. _____ 2. _____ 3. _____</p> <p>EMPLOYER: IF U. S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO. (27) _____</p> <p>OCCUPATION (28) _____</p> <p>RESIDENCE OF PERSON FINGERPRINTED (29) _____</p> <p>SCARS, MARKS, TATTOOS, AND AMPUTATIONS <u>SMT</u> (30) _____</p> <p>BASIS FOR CAUTION <u>ICO</u> (31) _____</p> <p>DATE OF OFFENSE <u>DOO</u> (32) SKIN TONE <u>SKN</u> (33) _____</p> <p>MISC. NO. <u>MNU</u> (34) _____</p> <p>ADDITIONAL INFORMATION (35) _____</p>	<p style="text-align: center;">INSTRUCTIONS</p> <p>1. UNLESS OTHERWISE PROVIDED BY REGULATION IN YOUR STATE, FINGERPRINTS ARE TO BE SUBMITTED DIRECTLY TO FBI IDENTIFICATION DIVISION. FORWARD IMMEDIATELY FOR MOST EFFECTIVE SERVICE.</p> <p>2. FINGERPRINTS SHOULD BE SUBMITTED BY ARRESTING AGENCY ONLY (MULTIPLE PRINTS ON SAME CHARGE SHOULD NOT BE SUBMITTED BY OTHER AGENCIES SUCH AS JAILS, RECEIVING AGENCIES, ETC.). REQUEST COPIES OF FBI IDENTIFICATION RECORD FOR ALL OTHER INTERESTED AGENCIES IN BLOCK BELOW. GIVE COMPLETE MAILING ADDRESS, INCLUDING ZIP CODE.</p> <p>3. TYPE OR PRINT ALL INFORMATION.</p> <p>4. NOTE AMPUTATIONS IN PROPER FINGER BLOCKS.</p> <p>5. LIST FINAL DISPOSITION IN BLOCK ON FRONT USE. IF NOT NOW AVAILABLE SUBMIT LATER ON FBI FORM 8-64 FOR COMPLETION OF RECORD. IF FINAL DISPOSITION NOT AVAILABLE SHOW PRE-TRIAL OR ARRESTING AGENCY DISPOSITION OR, IF RELEASED, NO FORMAL CHARGE, BAIL, TURNED OVER TO, IN THE ARREST DISPOSITION BLOCK PROVIDED ON THIS SIDE.</p> <p>6. MAKE CERTAIN ALL IMPRESSIONS ARE LEGIBLE, FULLY ROLLED AND CLASSIFIABLE.</p> <p>7. CAUTION - CHECK BOX ON FRONT IF CAUTION STATEMENT INDICATED. BASIS FOR CAUTION (SIC) MUST GIVE REASON FOR CAUTION, e. g., ARMED AND DANGEROUS, SUICIDAL, ETC.</p> <p>8. MISCELLANEOUS NUMBER (MNU) - SHOULD INCLUDE SUCH NUMBERS AS MILITARY SERVICE, PASSPORT AND/OR VETERANS ADMINISTRATION IDENTIFY TYPE OF NUMBER.</p> <p>9. PROVIDE STATUTE CITATION, IDENTIFYING SPECIFIC STATUTE (Example - FL. PENAL LAW) AND CRIMINAL CODE CITATION INCLUDING ANY SUB-SECTIONS.</p> <p>10. ALL INFORMATION REQUESTED IS ESSENTIAL.</p> <p>SEND COPY TO: (36) _____</p> <p>REPLY DESIRED? YES NO (37) <input type="checkbox"/> <input type="checkbox"/></p> <p><small>(REPLY WILL BE SENT IN ALL CASES IF SUBJECT FOUND TO BE WANTED.)</small></p> <p>IF COLLECT WIRE OR COLLECT TELEPHONE REPLY DESIRED, INDICATE HERE (WIRE SENT ON ALL UNKNOWN DECEASED) (38) WIRE REPLY TELEPHONE REPLY TELEPHONE NO. AND AREA CODE <input type="checkbox"/> <input type="checkbox"/> _____</p> <p>LEAVE BLANK</p> <p>LEAVE BLANK</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Read</p>	<p>Old Occupation</p> <p>Old Address</p> <p>Old City</p> <p>Old State</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Form</p>	<p>Add SMT* Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Add MNU* Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Caution Flags</p>
<p>ASTERISKED (*) FIELDS MANDATORY</p>		

FIGURE B-4

RULES
OF
THE FLORIDA DEPARTMENT OF CRIMINAL LAW ENFORCEMENT
CHAPTER 11C-4
CRIMINAL HISTORY RECORDS; FINGERPRINT CARD
AND DISPOSITION REPORTING PROCEDURES

11C-4.05 Deceased Notification Submission.

(1) The cognizant law enforcement agency shall submit a set of fingerprints on unknown deceased individuals to the Department for the purpose of positive identification.

(2) If agencies are unable to print the deceased or furnish a previous set of prints, they shall submit to the Department the F.B.I. R-88 Death Notification form, furnishing as much information on the deceased as possible.

General Authority: 943.03, 943.05, F.S. Law Implemented: 943.05, F.S.

STATE OF FLORIDA
DEPARTMENT OF CRIMINAL LAW ENFORCEMENT

P.O. BOX 1489
TALLAHASSEE 32302

WILLIAM A. TROELSTRUP
COMMISSIONER

TELEPHONE
488-7880

IDENTIFICATION MEMORANDUM 75-1:

TO: All Fingerprint Card Contributors
SUBJECT: Submission of Deceased Notifications

The purpose of this memorandum is to set forth guidelines for submission of death notifications.

In order to delete a subject's record from the FCIC/NCIC CCH files due to death, a positive identification must be effected. To insure positive identification, fingerprints are required. If unable to print the deceased subject or furnish a previous set of prints, it will be necessary to submit to FDCLE the FBI R-88 Death Notification form, furnishing as much information on the subject as possible; i.e., the last date of arrest, arrest number, offense, FBI number, and FDCLE number if known. All fields of information on the R-88 death notice form should be supplied and any additional information should be listed in the "Other Identifying Information" block.

If agency submitting the death notice desires a copy of the deceased subject's criminal history record, it will be necessary to so indicate on the fingerprint card or the R-88 Death Notice form.

All questions regarding submission of deceased notifications should be directed to the Crime Information Bureau, Florida Department of Criminal Law Enforcement, P. O. Box 1489, Tallahassee, Florida, 32302, Telephone Number 904-488-4761.

FIGURE B-5

R-88 (Rev. 5-9-72)

DEATH NOTICE

Federal Bureau of Investigation
 United States Department of Justice
 Washington, D. C. 20537

Date _____

Attention: Identification Division

The following is the record of a death of an individual whose fingerprints are on file in the Identification Division of the FBI:

Name (Last, first, middle)		Date fingerprints submitted	
Aliases		Other identifying information (Armed Service enlistment no., etc.)	
Sex	FBI Number		
<input type="checkbox"/> Male <input type="checkbox"/> Female	Contributor's No. (Original)		
Date of birth	Place of birth	Fingerprint Classification FBI	
Date of death	Cause of death		
Post Death Notice in Record on Authority of:			
		Name	
Contributor and Address			

The Name, Number, Agency should be exactly the same as they appear on the fingerprint card in the file of the FBI. In all instances when the FBI No. is known it should be indicated. When the FBI No. is indicated it is not necessary to indicate the fingerprint classification.

This form can be used by a Law Enforcement Agency when it receives accurate and positive information concerning the death of an individual whose fingerprints are in the file of the FBI. As a general rule in those cases where a Law Enforcement Agency is investigating a death the ten inked impressions should be taken on a regular fingerprint card.

FIGURE B-6

11C-4.06 Final Disposition Reporting.

(1) In order for the Department to properly carry out those mandates set forth in §943.05, F.S., Ch. 1, Title 28, Part 20, C.F.R., and 42 U.S.C. 3771 in regard to the establishment and maintenance of current, complete, and accurate criminal histories, agencies, offices and officers in the Florida criminal justice community shall, to the maximum extent feasible, submit disposition data on criminal arrests, pretrial dispositions, trials, sentencing, confinement, parole and probation.

(2) The arresting agency shall initiate the disposition report and supply all fields of identifying and arrest information requested on the top half of the form provided by the Department for this purpose. The impressions of the right four fingers shall be obtained and placed in the bottom right corner of the report. These actions shall be accomplished simultaneously with the taking of fingerprints following an arrest.

(3) Other agencies, officers and offices shall, to the maximum extent feasible, submit disposition data to the Department for each arrest as follows:

- (a) If the case is not forwarded to the prosecutor for action, the arresting agency shall complete the final disposition report.
- (b) If the case is taken by a prosecuting authority, the arresting agency shall turn over the disposition report form to the prosecutor. Thereafter, the form will be executed by the prosecuting authority.
- (c) Subsequent disposition reports shall be initiated by appropriate authorities to augment the record in regard to correctional, parole and probation information.

(4) Although interim transactions (i.e. turned over to, held for, pending) should be indicated in the designated area of the fingerprint card but not made the subject of a disposition report, it is essential that final disposition reports, as more fully described in Ch. 1, Title 28, C.F.R. 20.3(e), be submitted within 90 days after the final disposition occurs.

General Authority: 943.03, 943.05, F.S., Ch. 1, Title 28, Part 20
C.F.R. Law Implemented: 943.05, F.S., Ch. 1, Title 28, Part 20,
C.F.R., 42 U.S.C. 3771 (b).

FIGURE B-7

FINAL DISPOSITION REPORT						FBI NUMBER															
<p>NOTE: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the Florida Department of Criminal Law Enforcement without final disposition noted thereon. If no final disposition is available to arresting agency, also obtain subject's right four fingers on this form, supply identification data and furnish arresting agency information, and forward when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: <u>Florida Department of Criminal Law Enforcement, P.O. Box 1489, Tallahassee, Florida 32302, Attention: Crime Information Bureau.</u></p> <p style="text-align: right;">(See instructions on reverse side)</p>						OBTS NUMBER															
						NAME ON FINGERPRINT CARD SUBMITTED TO FDCLE															
						FDCLE NUMBER	LAST	FIRST	MIDDLE												
CONTRIBUTOR OF FINGERPRINTS		DATE OF ARREST M D Y	ARREST NUMBER	SEX	RACE	DATE OF BIRTH M D Y															
ARRESTING AGENCIES	OFFENSES CHARGED AT ARREST			NCIC CODE	FLORIDA STATUTE																
	1.																				
	2.																				
	3.																				
	4.																				
	5.																				
COURT ACTION	CONTRIBUTOR OF DISPOSITION DATA	DISPOSITION DATE M D Y	<input type="checkbox"/> COURT ORDERED EXPUNGEMENT: Return Arrest Fingerprint Card to Contributing Agency; Certified or Authenticated Copy of Court Order Attached.																		
		COURT DOCKET NUMBER	<table border="1" style="width:100%; border-collapse: collapse; font-size: small;"> <tr> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Not filed on by State Attorney</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Not Processed by State Attorney</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Acquitted</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Dismissed</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Convicted</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Adjudication Withheld</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Convicted Sentence Deferred</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Acquitted - Insanity</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Acquitted Mental Incompetent</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Charge Dismissed Insanity</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Charge Dismissed Mental Incompetent</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Charge Pending Insanity</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Charge Pending Mental Incompetent</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Extradited</td> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Other*</td> </tr> </table>				Not filed on by State Attorney	Not Processed by State Attorney	Acquitted	Dismissed	Convicted	Adjudication Withheld	Convicted Sentence Deferred	Acquitted - Insanity	Acquitted Mental Incompetent	Charge Dismissed Insanity	Charge Dismissed Mental Incompetent	Charge Pending Insanity	Charge Pending Mental Incompetent	Extradited	Other*
	Not filed on by State Attorney	Not Processed by State Attorney	Acquitted	Dismissed	Convicted	Adjudication Withheld	Convicted Sentence Deferred	Acquitted - Insanity	Acquitted Mental Incompetent	Charge Dismissed Insanity	Charge Dismissed Mental Incompetent	Charge Pending Insanity	Charge Pending Mental Incompetent	Extradited	Other*						
	FINAL CHARGES																				
	1.																				
	2.																				
3.																					
4.																					
5.																					
SENTENCE PROVISIONS			* Explain use of "Other" in Sentence Provision Fields RIGHT FOUR FINGERS PRINTED SIMULTANEOUSLY																		
1.																					
2.																					
3.																					
4.																					
5.																					

FIGURE B-8

IN THE COURT IN AND FOR COUNTY, FLORIDA
STATE OF FLORIDA,

Plaintiff

vs.

CASE No. _____

Defendant

ORDER TO EXPUNGE

This cause came on to be heard before me on this date, upon the Defendant's Motion to Expunge certain Court and law enforcement records pursuant to:

- 1. State statute 893.14
- 2. State statute 901.33
- 3. Discretionary power of the court

and the Court having considered said Petition finds as follows:

- 1. That the above named accused was on the ___ day of _____, A. D., 19___, arrested for the offense(s) of:

By the _____ Department.

Accordingly, it is

ORDERED AND ADJUDGED that said Motion to Expunge be and is hereby granted: and all Court and arrest records pertaining hereto are hereby expunged, in compliance with the above cited authority: and it is

FURTHER ORDERED that the Clerk of this Court forward certified copies of this Order to Expunge to the State Attorney and the arresting agency. The arresting agency will forward copies of this order to expunge to the FLORIDA DEPARTMENT OF CRIMINAL LAW ENFORCEMENT.

DONE AND ORDERED in Chambers at _____, _____ County, Florida, this ___ day of _____, 19___.

FIGURE B-9

ORDER TO EXPUNGE OR SEAL

CRIMINAL HISTORY RECORD

WHEREAS, (petitioner's name) has petitioned this court to order the (sealing/ expunction) of records relating to his or her arrest on (date) on the charge(s) of _____ in violation of the laws of Florida, and his or her conviction on (date) on the charge(s) of _____, and

WHEREAS, The State of Florida, by _____ has reviewed the criminal history record of petitioner and has not shown cause why this relief should not be granted, and

WHEREAS, this court has jurisdiction to grant the relief requested pursuant to (Section 893.14/Section 901.33, Florida Statutes/the extraordinary equitable powers of this court) now

IT IS THEREFORE ORDERED AND ADJUDGED that upon (date), when, if not stayed or overturned, this order becomes final or as soon thereafter as is possible, the (arresting agency), the Florida Department of Criminal Law Enforcement, the (prosecutor), the (public defender), the clerk of this Court, and such other public offices and agencies as have records of the (arrest/and conviction) on the charges as aforesaid shall (destroy all records of the same (except for the nonpublic records sealed in accordance with (statute))).

IT IS FURTHER ORDERED AND ADJUDGED that no notation regarding the aforesaid arrest, shall otherwise thereafter be maintained in the public or nonpublic records of any of the above offices or agencies, provided, however, that a notation shall be made and retained as follows:

I, (official) hereby certify that on (date), I personally took all action required under the Order of Judge (name) of the (court) in and for (jurisdiction), in case (number), which became final

(signed)

IT IS FURTHER ORDERED AND ADJUDGED that the Clerk of this Court shall transmit copies of this order to the officials named herein, that such copies shall be destroyed contemporaneously with compliance with this mandate, and that this original order shall be maintained as a nonpublic record available only to this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Florida Department of Criminal Law Enforcement shall request that all other authorities who have received information relating to the aforesaid arrest (and conviction) which is identifiable to the petitioner shall purge such information from all records, files, and information systems maintained by them.

DONE AND ORDERED at _____, Florida, this _____ day of _____.

THAT

(Chief) Judge

FIGURE C-1

AUDIT STANDARDS

GENERAL STANDARDS

1. The full scope of an audit of a criminal justice program, function, activity, or organization should encompass the following in the context of the Florida Privacy and Security Plan:
 - a. An examination of criminal history transactions, records and reports, including an evaluation of compliance with applicable laws and regulations.
 - b. A review of confidentiality and security in the use of criminal history records.
 - c. A review to determine whether desired results are effectively achieved.

In determining the scope for a particular audit, responsible officials should give consideration to the needs of the potential users of the results of that audit.

2. The auditors assigned to perform the audit must collectively possess adequate professional proficiency for the tasks required.
3. In all matters relating to the audit work, the audit organization and the individual auditors shall maintain an independent attitude.
4. Due professional care is to be used in conducting the audit and in preparing related reports.

EXAMINATION AND EVALUATION STANDARDS

1. Work is to be adequately planned.
2. Assistants are to be properly supervised.
3. A review is to be made of compliance with legal and regulatory requirements.
4. An evaluation is to be made of the system of internal control to assess the extent it can be relied upon to ensure accurate information, to ensure compliance with laws and regulations, and to provide for efficient and effective operations.
5. Sufficient, competent, and relevant evidence is to be obtained to afford a reasonable basis for the auditor's opinions, judgements, conclusions, and recommendations.

Adapted from Standards for Audit of Governmental Organizations, Programs, Activities and Functions, comptroller General of the United States, January 15, 1974.

FIGURE C-1

REPORTING STANDARDS

1. Written audit reports are to be submitted to the appropriate officials of the organizations requiring or arranging for the audits. Copies of the reports should be sent to other officials who may be responsible for taking action on audit findings and recommendations and to others responsible or authorized to receive such reports. Unless restricted by law or regulations, copies may also be made available for public inspection.
2. Reports are to be issued on or before the dates specified by law, regulation, or other arrangement and, in any event, as promptly as possible so as to make the information available for timely use by management and by legislative officials if appropriate.
3. Each report shall:
 - a. Be as concise as possible but, at the same time, clear and complete enough to be understood by the users.
 - b. Present factual matter accurately, completely, and fairly.
 - c. Present findings and conclusions objectively and in language as clear and simple as the subject matter permits.
 - d. Include only factual information, findings, and conclusions that are adequately supported by enough evidence in the auditor's working papers to demonstrate or prove, when called upon, the bases for the matters reported and their correctness and reasonableness. Detailed supporting information should be included in the report to the extent necessary to make a convincing presentation.
 - e. Include, when possible, the auditor's recommendations for actions to effect improvements in problem areas noted in his audit and to otherwise make improvements in operations. Information on underlying causes of problems reported should be included to assist in implementing or devising corrective actions.
 - f. Place primary emphasis on improvement rather than on criticism of the past; critical comments should be presented in balanced perspective, recognizing any unusual difficulties or circumstances faced by the operating officials concerned.

FIGURE C-1

- g. Identify and explain issues and questions needing further study and consideration by the auditor or others.
 - h. Include recognition of noteworthy accomplishments, particularly when management improvements in one program or activity may be applicable elsewhere.
 - i. Include recognition of the views of responsible officials of the organization, program, function, or activity audited on the auditor's findings, conclusions, and recommendations. Except where the possibility of crime or other compelling reason may require different treatment, the auditor's tentative findings and conclusions should be reviewed with such officials. When possible, without undue delay, their views should be obtained in writing and objectively considered and presented in preparing the final report.
 - j. Clearly explain the scope and objectives of the audit.
 - k. State whether any significant pertinent information has been omitted because it is deemed privileged or confidential. The nature of such information should be described, and the law or other basis under which it is withheld should be stated.
4. Each audit report containing financial reports shall:
- a. Contain an expression of the auditor's opinion as to whether the information in the financial reports is presented fairly in accordance with generally accepted accounting principles (or with other specified accounting principles applicable to the organization, program, function, or activity audited), applied on a basis consistent with that of the preceding reporting period. If the auditor cannot express an opinion, the reasons therefor should be stated in the audit report.
 - b. Contain appropriate supplementary explanatory information about the contents of the financial reports as may be necessary for full and informative disclosure about the financial operations of the organization, program, function, or activity audited. Violations of legal or other regulatory requirements, including instances of non-compliance, and material changes in accounting policies and procedures, along with their effect on the financial reports, shall be explained in the audit report.

AGENCY AUDIT REPORT

DATE

AGENCY

PHONE NUMBER

ORI NUMBER

FULL TIME SWORN PERSONNEL

CIVILIAN PERSONNEL

PERSONS INTERVIEWED	Agency Head	Title
	Name	Title
	Name	Title

CONDITION OF REGULATIONS AND PROCEDURES -
 FDCLE NCIC:

MAIL PROBLEMS: (Describe)

CURRENT CORRECT ADDRESS IS:

DOES THIS AGENCY HAVE ANY PROBLEMS OR COMMENTS REGARDING:

FCIC/CCH

NCIC:

Other Comments:

CORRECTIVE ACTION REQUESTED

- 1.
- 2.
- 3.
- 4.

Action Taken:

CITIZEN AUDIT: Are the logging requirements being followed: Yes No (Describe)

Action you took:

DISCUSS DISSEMINATION LIMITATIONS WITH RESPONSIBLE SUPERVISOR: Who did you talk with:

Any problems:

GENERAL COMMENTS:

COMMENTS ON SECURITY OF RECORDS FACILITY AND PROCEDURES

VISIT AND REPORT BY:

FIGURE C-3

AGENCY AUDIT RECORD		
Agency		ORI
Date of Audit	Comments	Follow Up Action

FIGURE C-4

PRIVACY AND SECURITY AUDIT ELEMENTS

State of Florida	AUDIT TRAIL - AGENCY SEQUENCE															
	State Level												Non-Criminal Justice			
	Operating - Local Criminal Justice															
AUDIT TRAIL, INFORMATION AND DOCUMENTATION	ECJPA	CJIS Council - Atty Gen.	FPC/LE	Court Administrator	Offender Rehab	Law Enforcement	Prison/Institution	Detention	Domestic Violence Court	Probation	Corrections	Parole	Juvenile	User	Govt. Occasional	Individual
<u>Operating Documents</u>																
Federal-State Legislation/Statutes	X	X	X	X	O										O	
Federal-State Regulations	X	X	X	O	O										O	
State Comprehensive C. J. Plans	X															
Privacy and Security Plan	X	O	O	O	O											
Privacy and Security Manual (OPT)	X	O	O	O	O	O	O	O	O	O	O	O				
Security Plan			X		X	X		X	X	X	X	X	X	X		
Training Documents	X		O													
Management Implementation Plan	X															
Standards for Access	O	X	X												O	
Annual Privacy & Security Report	X															
Written Policies, Procedures				X												
Internal Audit Procedures				X		X				X		X				
Operating Policies				X		X				X		X				
<u>Files and Records</u>																
Listing of State C. J. Agencies	X	O	X													
Catalogue of Non-C. J. Agencies	X	O	X													
Audit Sample File	X		X													
Audit Reports	X		X													
Corrective Action Records	X		O													
Deficiency Suspense File	X		O													
Record of T/A	X		O													
Minutes of CJIS Council	X	X														
Minutes of Training Conference	X															
User Agreements	O	O	X	O	O	O	O	O	O	O	O	O	O	O	O	O
Letters of Access File	O	X	O		O		O					O				O
Certificates of Compliance	X															
Terminal Logs			X		X					X						
Criminal History Indices			X		X	X				X						
Criminal History Subject Files			X		X	X	X			X	X	X			O	
Juvenile Indices			X		O	X			X	X	X	X				
Juvenile Files			X		O	X			X	X	X	X				
Scaled Records Index			X		O	X			X	X	X	X				
Scaled Records File			X		O	X			X	X	X	X				

LEGEND
 X=Primary Source
 O=Secondary Source

FIGURE C-4

State of Florida AUDIT TRAIL INFORMATION AND DOCUMENTATION	AUDIT TRAIL - AGENCY SEQUENCE															
	State Level											Operating - Local Criminal Justice	Non- Criminal Justice			
	BCJPA	CJIS Council - Atty Gen.	FDCLE	Court Administrator	Offender Rehab	Law Enforcement	Prosecutor	Parole Attorneys	Court	Probation	Corrections	Parole	Juvenile	User	Inter-Occasional	Individual
<u>Data Elements</u>																
Subject Name	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
State ID (FDCLE#)	X	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
FBI ID	X	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Print Class	X	O	X						X		O					
Sequence Number (or OETS#)	X	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Local Subject Number	O		X	O	O	O	O	O	O	O	O	O	O	O	O	O
Docket Number	O		X	O	O	O	O	O	O	O	O	O	O	O	O	O
Corrections ID	O	X							X	O	O					
ORI	O	X	X	X		X			X		X					
Event Incident Dates	O		X	O	O	O					O					
Administrative Action Dates	X		O								O					
Seal/Purge Coding	X	X	X			X			X		X					
CHRI Destruction Date	X	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
<u>Data Source Documents</u>																
Fingerprint Cards	X			X					X		X					
Photographs	X			X					X		X					
Offense Report				X							X					
Arrest Report				X							X					
Complaint				X	O						X					
Initial Disposition Report	X			X	X		O				X					
Final Disposition Reports	X			O	X						X					
Court Disposition Report	O			O	O		X				X					
Dissemination Log. Ind. Record	X			X							X					
Corrections Disposition Reports	O								X	O	X					

LEGEND
 X=Primary Source
 O=Secondary Source

FIGURE C-5

AUDIT TRAIL - CENTRAL REPOSITORY (FDCLE)

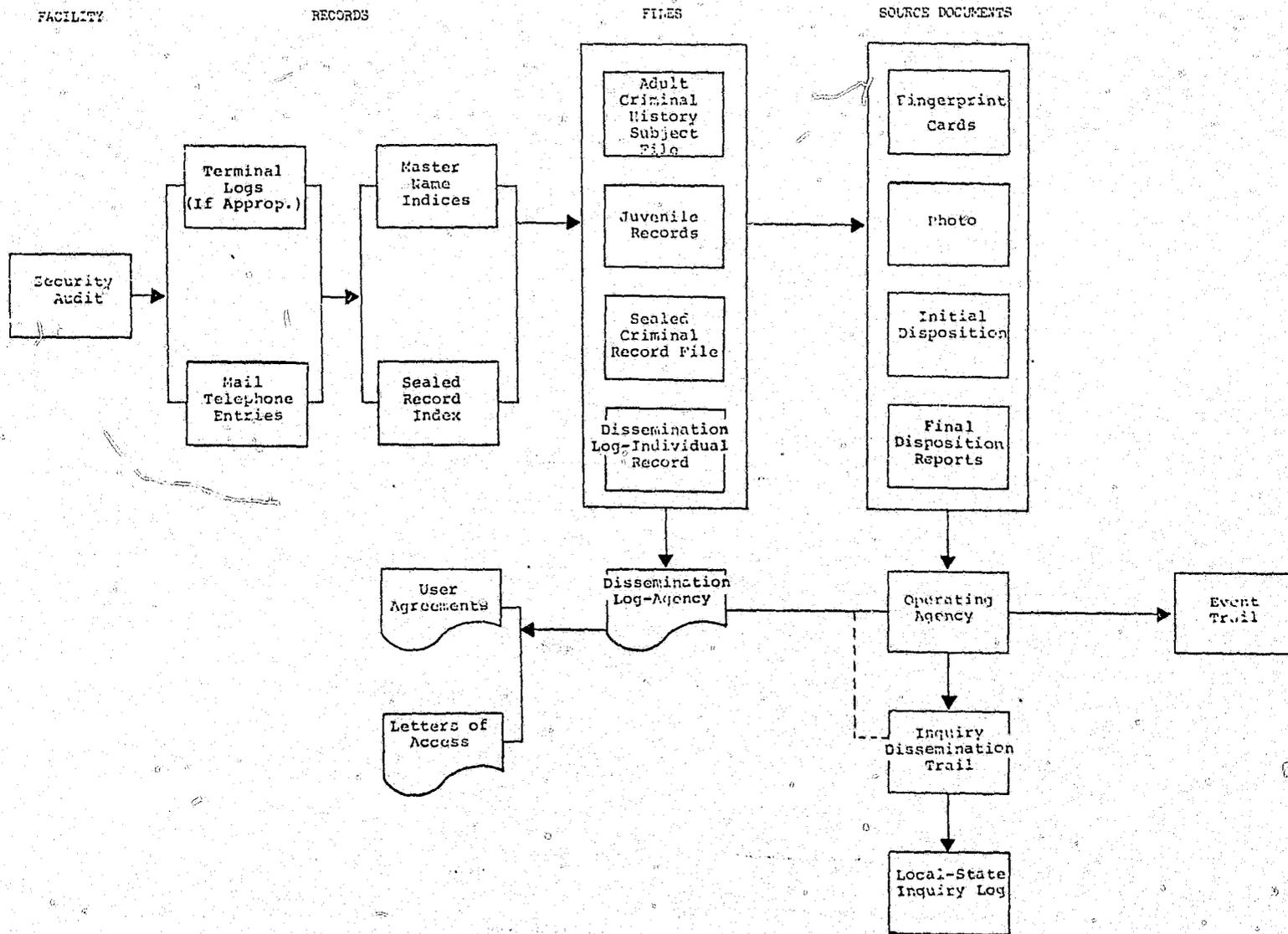
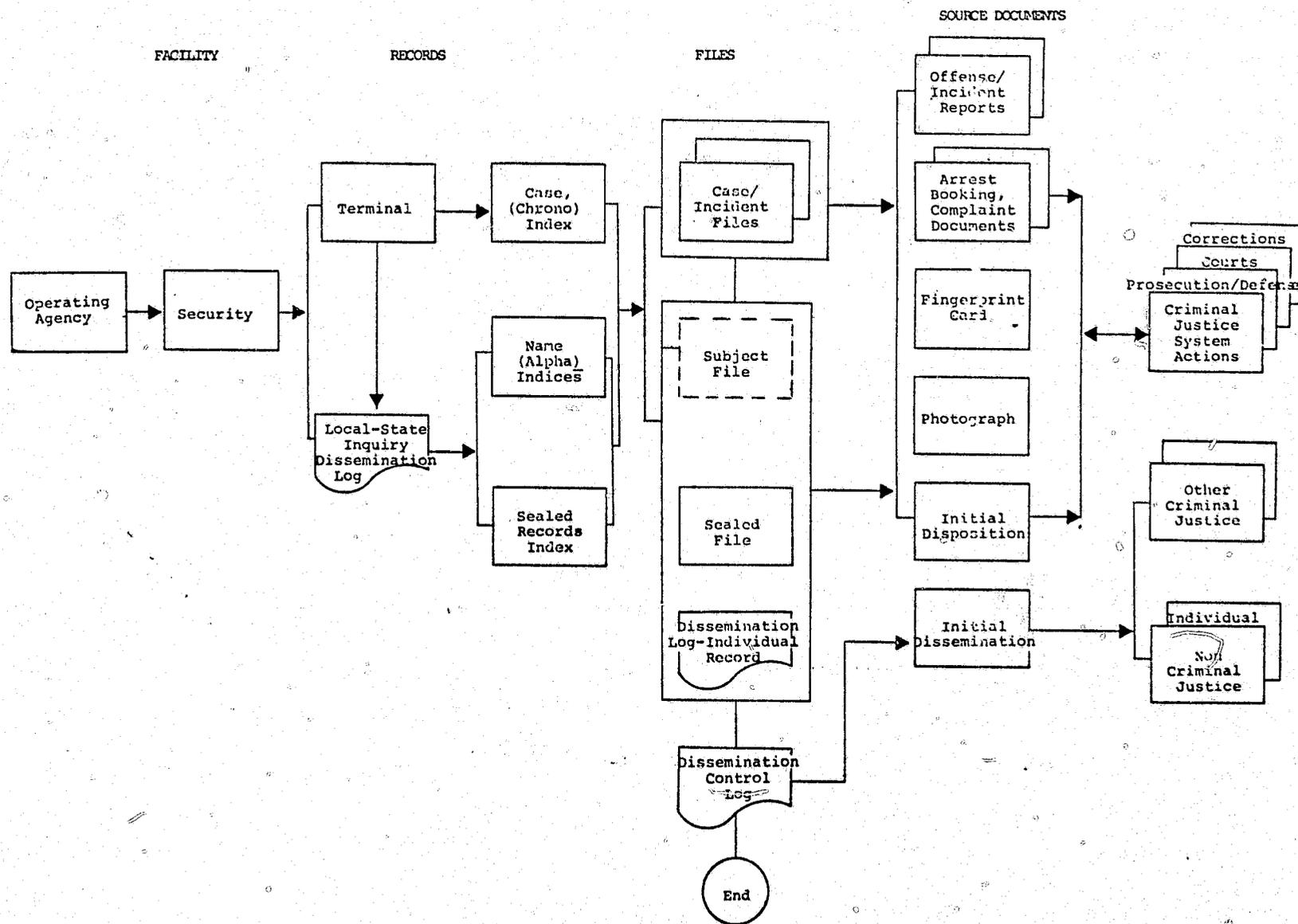
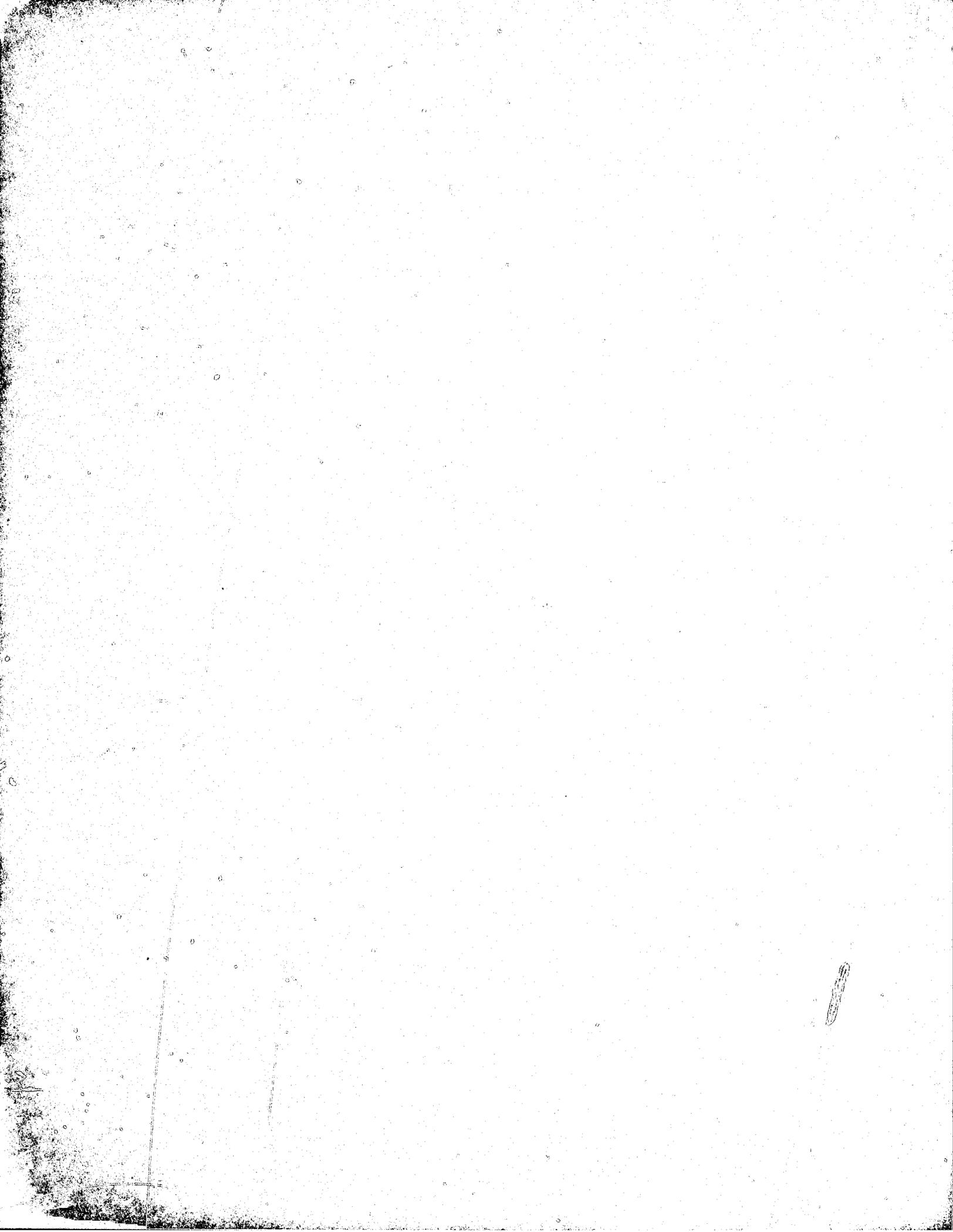


FIGURE C-6

AUDIT TRAIL - OPERATING AGENCY



C - 10



END