

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT
DIRECTIVE

No.:	1146
Issued:	10/5/07
Post Until:	11/5/07

SUBJECT: REQUESTS FOR CRIMINAL OFFENDER RECORD INFORMATION (CORI)

Access to Criminal Offender Record Information is restricted to persons and public agencies as authorized by provisions of law. California Penal code Section 13102 defines CORI as records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. Rules regarding inspection of juvenile files, confidentiality, and release of information are found in California Welfare and Institutions Code (WIC) Section 827.

A California Attorney General Opinion re-emphasized the legal requirement for California law enforcement agencies to maintain the confidentiality of criminal offender information. This requirement makes it a criminal offense to release a person's present or past probation status to members of the public who are not authorized by statute to receive that information. This Directive provides an understanding of the types of records that are confidential, and establishes a Departmental process for handling requests for Criminal Offender Record Information (CORI).

TYPES OF RECORDS AND/OR INFORMATION THAT ARE CONFIDENTIAL

Confidential records are information regarding a probationer or victim that includes, but is not limited to, the following:

- Case record information regarding probationer or victim
- Name & date of birth of probationer or victim
- Physical description of probationer or victim
- Dates of arrests of probationer
- Disposition of probationer case(s)
- Criminal charges for probationer
- Detention information (Adults or Juveniles)
- Release date from county jail, juvenile hall, group home or camp
- PDJ file information
- X-File information

PERSONS AUTHORIZED TO RECEIVE CORI

There are persons or entities that are authorized to receive CORI, during the course of their duties. (i.e. - the persons or entities must have a "need to know" and a "right to know.")

Adult Probationers

Those with a business need to know and authorized to receive and/or discuss CORI information on adult probationers include:

- Court personnel

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- Peace Officers
- District Attorney or City Attorney authorized to prosecute
- Probation Officers
- Parole Officers
- Pretrial Services
- The adult subject of the criminal offender record information
- Victims of adult probationers (excluding defendant address information)

Due to the time constraints for CORI requests from field law enforcement agencies, court agencies or Pretrial Services agencies, the release of CORI to these organizations will be the only exception to the requirement for the submission of a written request. However, staff shall verify the identity of the caller, inclusive of the following:

- Reason for request (need to know and right to know)
- Requesting officer's name
- Agency name
- Badge number (if applicable)
- Call back number
- Office assignment telephone

All information shall be entered in the APS DCID, CCID or TECD screen and in a Third Party Log. The requestor will be directed to fax the written request and identity information to the staff providing the information within 24 hours. All Probation personnel, with access to the Justice Data Interface Controller (JDIC), will maintain a Third Party Log (Attachment A). The log will be kept at the staff's work station and will be used to record information regarding the release of CORI to all authorized parties. **NOTE:** If the requestor fails to fax a written request at the agreed upon timeframe, it is the responsibility of the Probation staff to track the facsimile request.

Juvenile Probationers

Those with a business need to know, who are authorized to receive and/or discuss CORI information on juvenile probationers include:

- Court personnel
- Peace Officers
- District Attorney or City Attorney authorized to prosecute
- Probation Officers
- Parole Officers
- A Public Defender or Attorney of Record for the parties actively participating in criminal or juvenile proceedings involving the minor
- The juvenile subject of the criminal offender record information
- The minor who is the subject of the proceedings
- Attorney for the minor who is actively participating in the criminal or juvenile proceedings involving the minor
- Those authorized pursuant to a certified court order
- Persons authorized pursuant to Sections 827 and 828 of the Welfare and Institution Code, including:

- Parents or guardian
- Superintendent of schools or designee in district where minor attends school
- Officials from government child protective agencies
- Victims of juvenile probationers - Centralized Restitution Unit (CRU) staff or the DPO of Record shall provide information to the victim, pursuant to section 730.7 of the Welfare and Institution Code (WIC).

REQUEST TO INSPECT/VIEW JUVENILE CORI BY PERSONS AUTHORIZED OR ENTITLED

Persons that are authorized/entitled to inspect juvenile records may do so by completing a "Declaration in Support of Access to Juvenile Records" form (Attachment B) accompanied by presentation of proper identification. Staff shall place the original copy of the declaration in the minor's PDJ file. If the authorized/entitled person subsequently requests copies of records after conducting their inspection of the PDJ file, a copy of the "Declaration in Support of Access to Juvenile Records" form shall be faxed to Civil Litigation at (562) 658-2306. Copies of requested documents will be provided through the Superior Court Juvenile Division through Civil Litigation.

These requirements shall not preclude the DPO from verbally sharing information or discussing facts of a case with persons or agencies that are entitled to having such information (as allowed under Section 827 WIC).

PERSONAL STORAGE DEVICES:

Portable devices such as laptop computers may be used by employees to store CORI needed for work related purposes. Data stored on these devices must be encrypted to ensure that CORI is not compromised in the event the device is lost or stolen. To encrypt portable devices contact the Information Services Bureau as stated in the Department's Networked Computing Policy Directive No. 1127, issued on April 4, 2007.

PROCESSING WRITTEN REQUESTS FROM AUTHORIZED PERSONS OR ENTITIES

All staff who receive a request for CORI from authorized persons or entities shall alert the requestor that all requests for CORI must be processed in writing through the appropriate Departmental Custodian of Records. Staff shall immediately forward a request for CORI as listed below:

Open/Active Files

- Requests for records for active files should go to Custodian of Records at Headquarters. Requests should be faxed Attn: Custodian of Records at (562) 658-2306

Closed Files

- Requests for records for closed files should go to Custodian of Records at Central Adult Investigation (CAI). Requests should be faxed Attn: Custodian of Records at (213) 485-0102

PERSONS OR ENTITIES UNAUTHORIZED TO RECEIVE CORI

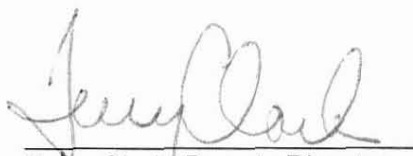
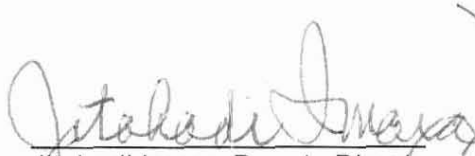
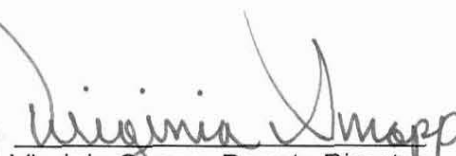
All persons or entities that cannot be confirmed (per established procedures) to belong to the authorized list shall be considered unauthorized to receive CORI. Staff shall inform unauthorized persons or entities that confidential information will not be released. Staff receiving the inquiry shall neither confirm nor deny the supervision or probation status of the subject of the inquiry.

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If the person or entity claims to have information that may result in a potential violation, staff shall take the information and advise the person/entity that it will not be confirmed or denied whether the person they are making the claim against is, or is not, on probation. However, staff should alert the claimant that if an individual is found to be on probation, the information will be forwarded to the DPO of Record and handled appropriately.

Questions regarding this Directive should be directed to the Civil Litigation Coordinator at (562) 940-2618.


Terry Clark, Deputy Director
Field Services
Jitahadi Imara, Deputy Director
Special Services Bureau
Virginia Snapp, Deputy Director
Juvenile Institutions Division

LOS ANGELES COUNTY PROBATION DEPARTMENT

[illegible]**CASELOAD NUMBER:** _____

ATTACHMENT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, state bar number, and address): Telephone No.: Attorney for (Name): Fax No.:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES JUVENILE DIVISION 201 Centre Plaza Drive Monterey Park, CA 91754	
CHILD'S NAME:	
DECLARATION IN SUPPORT OF ACCESS TO JUVENILE RECORDS (WIC §827, CRC Rule 1423; Local Rule 17.1)	Case Number:

A. Person/Agency Entitled to Access Pursuant to Welfare & Institutions Code (WIC) §827, California Rules of Court, Rule 1423, and Los Angeles Superior Court (LASC) Local Rules, Rule 17.1:

- ☐ Subject child
- ☐ Subject child's parent or legal guardian
- ☐ Attorney for subject child (including appellate attorney) *[continue to Section B below]*
- ☐ Attorney for subject child's parent/legal guardian (including appellate attorney) *[continue to Section B below]*
- ☐ Attorney for DCFS or other California child protective agency *[continue to Section B below]*
- ☐ Attorney authorized to prosecute adult criminal or juvenile matters under California state law (district attorney, city attorney, city prosecutor) *[continue to Section B below]*
- ☐ Person/agency actively participating in adult criminal or juvenile proceedings involving the subject child as a party, victim, or witness (hearing officers, probation officers, law enforcement officers)
- ☐ State Department of Social Services staff for the purposes delineated in WIC §827(a)(1)(H) and (a)(1)(I)
- ☐ Member of child protective agencies per Penal Code §11165.9 (police, sheriff, county probation, county child welfare)
- ☐ Superintendent or designee of school district where child attends or is enrolled
- ☐ Member of child's multi-disciplinary team
- ☐ Person/agency currently providing supervision or treatment of child
Specify _____
- ☐ Family law judicial officer, or clerk acting on behalf of judicial officer; family law case # _____
- ☐ Family law mediator or evaluator (including person performing investigation or assessment)
- ☐ Court-appointed probate guardianship investigator
- ☐ Local child support agency
- ☐ Juvenile justice commission
- ☐ Other (including pursuant to court order) _____

B. Attorney

State Bar # _____ Client _____ Court _____ Case no. _____
 (child, mother, father, etc.) (civil, criminal, juvenile, etc.) (if different from above)

WARNING: Any records, reports or information obtained from the juvenile record(s) shall not be further released or disseminated to persons or agencies not otherwise entitled to access pursuant to WIC §827, CRC Rule 1423, and LASC Local Rule 17.1 (i.e., agencies/individuals listed above). Further, juvenile records shall not be attached to any documents without prior approval of the Juvenile Court Presiding Judge, unless they are used in connection with an adult criminal or juvenile court proceeding to declare a minor a dependent or ward of the Court.

I declare under penalty of perjury that the foregoing is true and correct and that I am aware of the above warning regarding dissemination of juvenile records.

Date: _____

Signature