



**Division of State Patrol
Policy and Procedure**

Number
5-7

Subject CRIMINAL HISTORY CHECKS	
Author/Originator Bureau of Field Operations	Approved by Superintendent <i>Anthony L. Burrell</i>
Records Management Statement Supersedes P&P 5-7 dated March 16, 2016 Posted on WisDOT Internal Website (SharePoint) at https://wigov.sharepoint.com/sites/dot-dsp/policy/SitePages/Home.aspx	

I. POLICY

It is the policy of the Division of State Patrol (DSP) to allow authorized employees access to information and data needed to perform enforcement duties. Such data may include automated records regarding an individual, an individual’s criminal history or other confidential law enforcement information.

II. BACKGROUND

Criminal History Records Information (CHRI) is information collected by criminal justice agencies about individuals consisting of identifiable descriptions, notations of arrests, detentions, indictments, information or other formal criminal charges. CHRI also includes any disposition arising from sentencing, incarceration, correctional supervision and release.

III. OBJECTIVES

It is the objective of this policy to establish a process by which authorized employees can access criminal history information for law enforcement purposes.

IV. DEFINITIONS

CAD – Computer-Aided Dispatch

CFS – Call For Service

CHRI – Criminal History Records Information

MDC – Mobile Data Computer

TIME – transaction of Information for Management of Enforcement

V. GENERAL PROVISIONS

- A. Law enforcement agencies must adhere to strict privacy considerations when utilizing CHRI.
- B. Requests for CHRI must be submitted in the proper format utilizing the proper purpose codes to ensure that prohibited information is not released to unauthorized persons.
- C. CHRI requests are subject to audit and will be tracked within the Division as to final destination and reasons for the request utilizing the Division CAD software or other computer interface.
- D. Failure by a state employee to comply with policies, standards and procedures for appropriate use of CHRI data obtained through the Wisconsin Department of Justice TIME System may result in disciplinary action up to and including termination of employment and criminal penalties.

VI. PROCEDURE

The following procedure will be used to access Criminal History Record Information:

- A. All CHRI requests processed from the DSP must be referenced to a CFS case number. If a CFS case number does not already exist, one shall be created.
- B. Any CHRI request from the DSP will contain, at a minimum, the following data:
 - 1. Name, sex, date of birth, and race code for subject.
 - 2. Correct purpose code.
 - a) Purpose Codes C and J – may be used for official Criminal Justice inquiries, Crime Information Bureau (CIB), Interstate Identification Index (III) inquiries and inquiries to other states.
 - b) Purpose Code E – may be used for CIB inquiries. This code is to be used only for non-Criminal Justice employment purposes. This purpose code will result in the Division being billed by the CIB for the inquiry.
 - 3. Attention line with the name of the requesting officer and the CFS number.
 - 4. Operator's name, initials or identification number.

- C. All CHRI data printed from MDCs or other computers that is forwarded to another criminal justice agency or to an individual within another criminal justice agency or to anyone legally entitled to receive such information, who is outside the original receiving agency and is not included in the attention line, creates a secondary dissemination.
1. All secondary disseminations shall be documented by the respective officer or Law Enforcement Dispatcher by entering a comment in the respective CFS case. The comment shall include the name of the authorized person that received the CHRI data.
 2. This CAD documentation (log) of secondary disseminations shall be kept for a period of not less than one year from the time of the CHRI inquiry.
- D. CHRI data may be transmitted when there is an immediate need such as:
1. The information affects officer safety.
 2. To expedite an investigation.
- E. CHRI data run through the communications center will automatically be shredded unless the officer specifically requests it to be saved.
- F. CHRI records released by CIB to law enforcement agencies via the TIME System become a local agency record and are subject to release under the requirements of the Open Records Law.
1. CHRI records shall not be entered nor maintained in CFS case files.
 2. Identifiers obtained from CIB may be maintained in the record, but the actual criminal record will be shredded once the case has been forwarded to the prosecuting attorney or when the case is closed.
- G. The Wisconsin Open Records Law provides for public access to CHRI records maintained by CIB unless the record is specifically exempted by law.
1. Release of juvenile information is specifically exempted.
 2. CIB records may be obtained by written request and payment of the appropriate fees.
- H. Individuals requesting a copy of their record from CIB and the Federal Bureau of Investigation (FBI) III may do so by contacting those agencies in writing.
Note: The FBI requires a set of rolled fingerprint impressions and prepayment of required fees for subjects requesting their own III information.

- I. CHRI records obtained through the FBI III are exempt from disclosure under the Open Records Law based on the Privacy Act of 1974 which provides criminal penalties for “ANY PERSON WHO KNOWINGLY AND WILLFULLY REQUESTS OR OBTAINS ANY RECORD CONCERNING AN INDIVIDUAL FROM AN AGENCY UNDER FALSE PRETENSES.”

VII. REFERENCES

Department of Justice Rules and Regulations on Criminal Justice Information Systems 41,
Federal Regulations 11714, March 19, 1976
Privacy Act of 1974
Wisconsin Department of Justice TIME System Manual