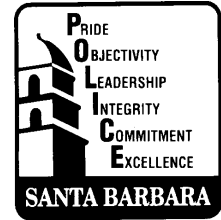




# Training Bulletin

## SANTA BARBARA POLICE DEPARTMENT



BERNARD MELEKIAN, Interim Chief of Police

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## Radio Communications: Criminal Justice Information and Personally Identifiable Information

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### HISTORY:

Law enforcement and criminal justice agencies authorized by California Department of Justice (CA DOJ) to access CLETS must adhere to the requirements detailed in the CLETS Policies, Practices and Procedures (PPP) and in the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policies to ensure the confidentiality and integrity of the data therein. More specifically, access to certain Criminal Justice Information (CJI) and Personally Identifiable Information (PII) must be limited to authorized personnel; and the transmission of such information must be encrypted.

Allowable “access” to CJI and PII, derived from CLETS, is described in CLETS PPP section 1.6.4:

*Only authorized law enforcement, criminal justice personnel or their lawful authorized designees may use a CLETS terminal or have access to information derived from CLETS. Any information from the CLETS is confidential and for official use only. Access is defined as the ability to hear or view any information provided through the CLETS.*

The Santa Barbara City radio system is not currently encrypted. Broadcasting PII on the radio system, is allowing “access” to CJI and PII to anyone listening on a scanner or application, when a subject is run by their first and last name and date of birth.

To be compliant with the DOJ policies and FBI CJIS Security Policy, the Santa Barbara Police Department must establish a policy to restrict dissemination of specific information that would provide for the protection of restricted CJI database information and combinations of name and other data

elements that meet the definition of PII. This procedure will provide for the protection of CJI and PII, while allowing for radio traffic with the information necessary to provide public safety.

## **PURPOSE:**

To establish a procedure for protecting PII of subjects being contacted by law enforcement in accordance with CA DOJ CLETS Policy and FBI CJIS Security Policy, DOJ CLETS Procedure for PII Page 2 of 3 FBI CJIS Security Policy 4.3 states, *“PII is information which can be used to distinguish or trace an individual’s identity, such as name, Social Security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother’s maiden name.”*

## **PROCEDURE:**

1. Whenever possible, law enforcement personnel should use an available computer (mobile data computer, VMobile or stationary computer terminal) to obtain information that falls under the parameters of the FBI CJIS Security Policy 4.3.
  - a. If unable to utilize an MDC, VMobile or stationary computer, it is permissible to call dispatch LE line XXX-XXX-XXXX (OUR AGENCY USE ONLY) to perform a record checks for situations when information is not needed for public or officer safety purposes (i.e., investigation when not currently with the subject, follow-up or confirming a warrant when not with the subject, etc.)
2. To ensure protection of PII with routine radio traffic for field personnel, only enough information to complete the request should be provided over the radio.
  - a. The DMV issued number (Driver’s License or Identification Card) and State (if not California) and the last name only. (Example: “Last of Smith, CDL D1234567.”) If you would like to run a person all the way around and provide a DMV issued number, you can say “55-13, one by number, check all around.”
    - i. This will create a slight delay in receiving a return from dispatch due to the necessity of Dispatch having to run the subject in two different masks in order to obtain a full return of CDL status, wants, warrants and other databases.
  - b. If a subject does not possess a California DMV issued number or it is not in their possession and it would not create an officer safety issue, the information should be entered into the incident the officer is currently handling via MDC (add remark to the call) or by calling Dispatch LE line.

- i. If the information is entered into the MDC, the officer must advise dispatch (Example: “55-13 copy call notes for information.”)
- ii. If the information is provided over the phone, dispatch may disconnect once the information is obtained (depending on call volume and/or officer discretion) and the return will be provided over the radio unless there is a radio transmission/clarity issue.
  1. When providing the information to the officer, the dispatcher will only broadcast the subject’s last name and the status of the subject. (Example: “13-55, Last of Smith, Clear Valid Class C or Last of Smith, on a suspended, service needed.”)
  2. Probation, Parole, EPO, DVR and other restraining orders will be given
- iii. If an officer safety concern does exist, it is acceptable to broadcast the last name, first name and date of birth. This should be done only when no other options exist.
- c. If multiple units are on an incident and it does not create an officer safety issue, the requested information should be entered into the MDC. Dispatch should be notified over the radio to run the subject that is entered into the call. (Example: “55-13 copy call notes for one by name” or “run by number check all around”).
- d. Unless the information is specifically requested, the full address and descriptors of the subject will not be provided.
- e. Traffic and pedestrian stops will be broadcast as usual. However, if the license plate has a want or warrant attached to it, the dispatcher will relay the subject’s name and age only.
- f. If officer or public safety is in jeopardy, necessary information will be broadcast to aid in identifying or locating a potential suspect. Once the suspect is apprehended, dispatchers and field units should be conscious of CJi and PII broadcast limitations.
  - i. Warrants- Code 36 (Mary, Frank or Tom)
    1. The officer will either check the MDT for the attachment or request dispatch “Go ahead with the information”
    2. For possible matches request the officer call in for further. If the officer advises “Go ahead with info” this means it is not safe for them to return to their vehicle.
      - a. Ex: possible match with a DOB of 1/10/73 out of Lompoc
      - b. Try to limit information when it does not create an officer safety concern

3. When broadcasting a description (i.e., Be on the Lookout/BOL or information regarding a person in a call for service), rather than providing the full name with their date of birth, dispatch and field personnel should provide the age of the subject. (Example: Instead of John Doe 1-1-1980, advise John Doe, 40 years old.)
  - a. The actual date of birth is necessary for CLETS entries and to receive an accurate return from CLETS, so it should be documented in the incident history.
  - b. Runaways do not need to be broadcasted over the air. Creating a BOLO and sending the broadcast over the MDTs is sufficient. The only time that you do need to broadcast runaways over the air is when they are “at risk” or the supervisor’s direction.
4. Information received from vehicle registrations, wants checks on vehicles, guns or property typically are not affected by this new mandate. Information within these CLETS returns do not contain PII and is not CJI, by definition, if PII is not included.
  - a. Ex: last of Smith shows as owner of XXXXX

## **FIRE DEPARTMENT EMPLOYEES**

Fire Department employees are not legally entitled to access information from the Law Enforcement computer. If a Fire Department employee requests a vehicle registration, the appropriate action is to send a law enforcement unit to assist and for them to make the decision as to whether or not to release the information.