

California Department of Justice
CALIFORNIA JUSTICE
INFORMATION SERVICES DIVISION
Joe Dominic, Chief



INFORMATION BULLETIN

Subject:

California Law Enforcement Telecommunications System (CLETS) – Requirement to Report CLETS Misuse

No.

18-07-CJIS

Date:

04-17-2018

Contact for information:

CLETS Administration Section
(916) 210-4240
cas@doj.ca.gov

TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES

The California Department of Justice (DOJ), in response to increasingly low submissions of misuse reporting by CLETS subscribing agencies, will be instituting changes to the reporting process to achieve 100 percent reporting of CLETS misuse. Pursuant to California Government Code section 15154 and CLETS Policies, Practices and Procedures (PPPs) section 1.10.1B, agencies that fail to report misuse annually will be subject to sanctions, up to and including, removal of CLETS service.

The DOJ considers the failure to report CLETS misuse a serious matter and will proactively enforce this requirement. CLETS PPPs section 1.10.1D prescribes that all agencies shall submit a report to the DOJ on the number of investigations performed related to the CLETS misuse, and any disciplinary action taken. Additionally, agencies are required to report whether any misuse has occurred during the reporting period. The report must be submitted by February 1 of each year, for the preceding calendar year.

Effective immediately, agencies that fail to submit the misuse report by the February 1 reporting deadline will be notified of their failure to comply and reported to the CLETS Advisory Committee (CAC) for consideration and action at the next scheduled meeting. Please note: CAC meetings are subject to the Bagley-Keene Open Meeting Act; therefore, non-reporting agencies will be posted on the California Attorney General's website and the California Law Enforcement Web (CLEW).

Misuse is defined as CLETS information that is obtained or provided **outside** the course of official business; a "right to know" and the "need to know" must be established. The "right to know" is defined as "authorized access to such records by statute" and the "need to know" is defined as "the information is required for the performance of official duties or functions." Other than blatant misuse, the following are examples of prohibited/unauthorized use of CLETS that include, but are not limited to:

- Querying yourself, a family member, friend, etc.;
- Providing information from the CLETS to another officer, individual, agency or company for unauthorized purposes;
- Sharing user IDs or passwords;
- Logging into CLETS and allowing others to utilize your authorized access;
- Querying the Automated Criminal History System for licensing, employment or certification purposes (e.g., Carry Concealed Weapon permits);
- Querying a firearm to determine if it is stolen prior to purchase;
- Querying the Department of Motor Vehicles to obtain unauthorized address, vehicle registration, or insurance information (e.g., querying a vehicle parked in front of your house for two days); and
- Querying high profile individuals in the media.

The CLETS Misuse Investigation Reporting form (HDC 0010) is available on the CLEW website at: <https://clew.doj.ca.gov>, or you may contact the CLETS Administration Section (CAS) to obtain a copy. Agencies responsible for multiple Originating Agency Identifiers (ORIs) should only submit one form and list all respective ORIs. Forms may be e-mailed to CAS@doj.ca.gov or faxed to 916-227-0696. If you have any questions, please contact CAS at 916-210-4240.

Sincerely,

A handwritten signature in blue ink, appearing to read "JD", with a long horizontal stroke extending to the right.

JOE DOMINIC, Chief
California Justice Information Services Division

For XAVIER BECERRA
Attorney General