

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 201

Section 1.

The County finds that it operates and uses various manual and computerized criminal justice information systems; that the operation of these systems affects the right of individual privacy; that there exists in the community a concern that the individual right to privacy be protected; that the Federal Crime Control Act of 1973, Section 524(b) and Federal regulations promulgated pursuant thereto require that the County provide for the protection of the right of individual privacy; that it is therefore incumbent on the County to provide for effective protection of criminal justice information security and the right of individual privacy.

NOW, THEREFORE, a new Chapter of the Multnomah County Code is created, which is numbered, entitled and to read as follows:

Chapter 7.80

SECURITY AND PRIVACY OF CRIMINAL

JUSTICE INFORMATION

7.80.010 Purpose. It is the purpose of this Chapter to assure that criminal history record information, wherever it appears, is stored, collected, and disseminated in a manner to insure the completeness, integrity, accuracy, and security of such information, and to protect individual privacy.

7.80.020 Definitions. As used in this Chapter, unless context requires otherwise:

(A) "Access" means the authority to review or receive information from files, records, or an information system, whether manual or automated.

(B) "Attorney" means an attorney at law empowered by a person to assert the confidentiality of right of access to criminal history record information under this ordinance.

(C) "Authorized representative" means a parent, or a guardian, or conservator, other than an attorney, appointed to act on behalf of a person and empowered by such person to assert the confidentiality of or right of access to personal data under this ordinance.

(D) "Criminal history record information (CHRI)" means 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 dispositions arising therefrom, including sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

(E) "Criminal justice agency" means any court or other governmental agency or any sub-unit thereof which performs the administration of justice pursuant to a statute or any executive order, and which allocates a substantial part of its budget to the administration of criminal justice and any agency specially designated as a criminal justice agency by Executive Order of the Governor of the State of Oregon.

(F) "Criminal justice administration" means the performance of the following activities: detection, apprehension, detention, pre-trial 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.

(G) "Criminal justice information (CJI)" means information collected by criminal justice agencies that is needed for the performance of their legally authorized and required functions. This is the broadest information term and includes CHRI and investigative and intelligence information. It does not include agency personnel or administrative records used for agency operations or management.

(H) "Disposition" means 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, bail forfeiture, bound over for trial after preliminary hearing, bound over for trial - preliminary hearing waived, convicted, dismissed - civil action, dismissed - defense motion, dismissed - prosecutor motion (withdrawn), dismissed - court motion, extradited, judgement on guilty or "nolo" plea, not responsible, charge reduced, case continued without finding, deceased, deferred disposition, pardoned, probation before conviction, sentence commuted, mistrial - defendant discharged, executive clemency, placed on probation, paroled, released from correctional supervision, charge dropped by arresting agency, charge dropped by prosecutor, or charge dropped - invalid warrant.

(I) "Dissemination" means the transmission of information, whether orally, in writing or electronically, to anyone outside the agency which maintains the information, except reports to an authorized repository.

(J) "Intelligence and investigative information (I & I)" means information compiled in an effort to anticipate, prevent or monitor possible criminal activity, or compiled in a course of investigation of known or suspected crimes.

(K) "Person" means an individual of any age concerning whom criminal history record information is contained in a manual or computerized file of any County criminal justice agency, or a person's attorney or authorized representative.

7.80.030 Scope of Ordinance. Rules adopted herein relate solely to criminal justice information stored, collected, and disseminated by agencies of County government in Multnomah County except that they shall not extend to include manual or automated information systems operated or maintained by the judiciary. The rules also do not extend to original records of arrest, arrest logs, or reports of crimes available for inspection under terms of ORS 192.410 to 192.500.

7.80.040 Limits on Access to Criminal History Record Information (CHRI). Access to CHRI shall be limited to:

(A) Criminal justice agencies, where the information is to be used for criminal justice administration or criminal justice agency employment;

(B) Agencies or persons legally authorized to receive the specific CHRI pursuant to statute, government regulation, court order, or legal directive; and

(C) Within County criminal justice agencies, personnel who have a bona fide need-to-know or need-to-handle CHRI to perform their assigned duties.

7.80.041 Limits on Access to CHRI for Research Purposes. Individuals or non-criminal justice agencies engaged in criminal justice research may be authorized by the Director of the Department of Justice Services to have limited access to CHRI contained in files of County criminal justice agencies provided:

(A) The party seeking access submits a written request to the Director of the Department of Justice Services setting forth the nature and scope of his research, the specific CHRI data requested, and the methodology to be employed in collecting, storing, and analyzing CHRI data; and

(B) The Director of the Department of Justice Services is satisfied that the party seeking access to CHRI has a bona fide research purpose and has given sufficient assurance that no personal identification information or data (contained in CHRI) that can be associated with a particular individual will be disclosed to the public in any manner or form;

(C) The party seeking access to CHRI gives written assurances to the Director of the Department of Justice Services that he will use CHRI data solely for the research purposes set forth in his approved request.

7.80.045 Limits on Access to Intelligence and Investigative Information.

Notwithstanding any other provisions in this chapter, intelligence and investigative information shall not be publicly disclosed so long as there is a clear need in a particular case to delay disclosure in the course of an investigation in accordance with ORS 192.500.

7.80.050 Accuracy and Completeness of Criminal History Record Information.

Each County criminal justice agency which stores, collects, or disseminates CHRI shall establish procedures to insure the accuracy and completeness of CHRI. No CHRI shall be disseminated until the information has been verified against Computerized Criminal History (CCH) records of the Oregon Law Enforcement Data System (LEDS). All dispositions should be reported to LEDS-CCH within sixty (60) days of their occurrence. No information should be added to a person's criminal history record, whether automated or manual, unless the data is based upon a readily identifiable numbered source document and upon the assurance that the information pertains to the individual whose criminal history record is affected.

7.80.055 Restrictions on Data Entered into Computerized Criminal History Records. Data shall not be entered into any computerized criminal history record which contains, in narrative or code, statements with evaluative, conjectural or judgmental content.

7.80.060 Limits on Dissemination of Juvenile Criminal Justice Information.

Dissemination of Juvenile CHRI shall be restricted as follows:

(A) Information related to warrants, verified suspects, runaways, missing persons, witnesses, or complainants may be disseminated to authorized agencies and persons outside Multnomah County;

(B) All other information about juveniles shall not be disseminated beyond criminal justice agencies within Multnomah County.

7.80.070 Right to Access and Challenge. Any individual shall have the right of access to their own CHRI which is contained in manual or computerized files of any County criminal justice agency at no cost.

Each County criminal justice agency which maintains CHRI shall establish procedures which:

(A) Inform an individual in writing, upon written request, whether the agency maintains CHRI concerning him;

(B) Make available to a person, upon written request, the CHRI information concerning him;

(C) Allow a person to contest the accuracy, completeness or relevancy of his CHRI;

(D) Allow CHRI to be corrected upon written request of a person when the agency concurs in the proposed correction;

(E) Allow a person who believes that the agency maintains inaccurate or incomplete CHRI concerning himself to submit a written statement to the agency setting forth what he believes to be an accurate or complete version of that CHRI. If, after a review of the statement, the agency does not concur and does not make the corrections requested in the statement, the statement shall be filed in a manual file in the agency's records section under an appropriate Index Number and any subsequent dissemination of the referenced CHRI shall disclose the existence of the statement challenging the accuracy or completeness of the CHRI.

7.80.080 Information Control and Responsibility. Each criminal justice agency shall be responsible for the accuracy, completeness, and integrity of all information which it adds, modifies, and deletes from any criminal history record.

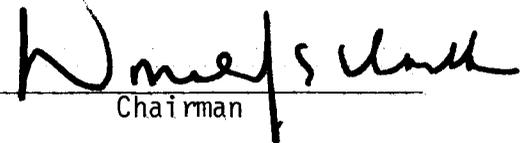
Each County agency shall maintain a log of all disseminations of CHRI to individuals and noncriminal justice agencies outside its own organization. These logs shall include, but not be limited to, the following information about each individual records so disseminated:

- (A) Date and time of day;
- (B) Identification number of the record released;
- (C) Identification of the person and agency who received the CHRI;
- (D) Identification of the individual who released the CHRI.

7.80.090 Penalty. Violation of this ordinance shall be punishable by a fine of not more than \$500 or confinement in the County jail for not more than ten (10) days, or both.

May 10, 1979

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By 
Chairman

Approved as to Form:

County Counsel