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LAURENS COUNTY LAW ENFORCEMENT CENTER

STANDARD OPERATING PROCEDURES

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SUBJECT: DISSEMINATION OF CRIMINAL HISTORY INFORMATION  
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INDEX AS: DISSEMINATION OF CRIMINAL HISTORY INFORMATION  
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EFFECTIVE DATE: 4/20/2005

REVISED DATE:  
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I. PURPOSE:

The purpose of this policy is to establish procedural guidelines relating to the dissemination of criminal history information by the Laurens County Law Enforcement Center.

II. POLICY:

This policy applies to all Departmental sworn and unsworn employees that have access to criminal history information. It's purpose is to make all employees aware that criminal justice agencies may make certain criminal history information available to private persons, businesses, commercial establishments, or their designated representatives and to authorized public agencies in accordance with GCIC rules and regulations.

NOTE: JAIL OFFICERS ARE NOT TO DISSEMINATE CRIMINAL OR DRIVERS HISTORY INFORMATION. THEIR ACCESS TO GCIC IS FOR HOUSING PURPOSES ONLY.

1. Definitions:

a. Criminal History Record Information-

Information collected by criminal justice agencies on individuals consisting of identifiable descriptions, accusations, information, or other formal criminal charges, and any dispositions arising there from, including sentences, correctional supervision, and release. The terms "criminal record" , "record", "criminal history", "criminal history record information", will be used interchangeably throughout this policy.

b. G.C.I.C.- The Georgia Crime Information Center.

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c. Designated Representative-  
The person specifically named to receive criminal history record information from the Laurens County Law Enforcement Center , on behalf of any private person, business, commercial establishment or authorized public agency eligible to request such information; designations shall be approved by the Sheriff/Chief Deputy or Terminal Agency Coordinator or a designated representative.

d. Authorized Public Agency-  
A Federal, State, County, Municipal Agency, or political subdivision of this State, which has a requirement for criminal history record information, to be used only for Criminal purposes in the prevention or detection of crime or the apprehension of criminal offenders.

III. PROCEDURES:

1. Dissemination of Criminal History to an Individual (G.C.I.C. Rule 140-2-10).
  - a. Criminal history data may be released to any individual where the information sought covers that particular individual who is requesting the information.
  - b. Prior to an individual receiving his/her own criminal record, the applicant must:
    1. Complete a Consent form, this form must be signed.

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2. Dissemination under Public Records Law.
  - a. Purpose Code "P" allows law enforcement to disseminate felon convictions upon request, however the Laurens County Law Enforcement Center will only disseminate history information using Purpose code P upon approval by the Sheriff, Major or Captain.

IV. CORRECTION OF ERRORS IN CRIMINAL HISTORY RECORDS.

1. Upon being advised that a particular history record contains an error, this department will investigate the matter and determine the accuracy of the record. If a record is determined to be incorrect, GCIC will be contacted and the necessary steps taken to correct the record immediately.

VI. DISSEMINATION LOG:

1. EFFECTIVE JULY 1, 1993, MANUAL CRIMINAL HISTORY LOGS WILL NOT BE REQUIRED. ALL LOGS PRIOR TO THIS DATE WILL BE MAINTAINED FOR FOUR YEARS FOR AUDIT PURPOSES.  
EXCEPTION: A LOG WILL BE MAINTAINED WHEN REQUESTING CRIMINAL HISTORY RECORDS FOR EXPUNGEMENT PURPOSES WHEN USING PURPOSE CODE C

VII. DISSEMINATION OF CRIMINAL HISTORY INFORMATION TO A PRIVATE EMPLOYER OR TO AN AUTHORIZED PUBLIC AGENCY. GCIC RULE 140-2-04

1. Criminal History information may be released to an authorized designated representative for employment and job assignment decisions.
2. These records may be made available only to provide employers with information on employees or prospective employees to include the following:

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- a. Working in or near private dwellings without immediate supervision.
  - b. Custody, control, or access to cash or valuable items.
  - c. Knowledge of or access to secret processes, trade secrets, or other confidential information.
  - d. Responsibility for the security or safety of other employees, customers, or property of the employer.
  - e. Exercising supervisory or disciplinary power, over a child or children.
3. Method of Dissemination:
- a. The Criminal History information will be forwarded by mail or given in person to the authorized requestor.
  - b. If a job applicant's only criminal history record entry reflects an arrest accompanied by a determinacy of First Offender status and a notation of discharge there from, then the substance of the record dissemination should be: No record on file.
4. Special Conditions:
- a. No information whatsoever may be released to a designated representative by telephone. Inquiries will be returned by mail or in person.
  - b. No criminal history information will be disseminated to a private employer or authorized public agency unless that private employer or public agency has a signed consent form or the person that the history information is needed on agrees to be fingerprinted.

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- c. All inquiries must contain, at minimum, the following:
- name
  - sex
  - race
  - date of birth
  - address
  - social security number
  - signature

If all the above information is not included on the submitted form, the criminal history information will not be disseminated, and the request will be returned to the requestor, noting the missing information .

- d. All inquiries should include a stamped envelope, addressed to the designated representative and correct business address.
- e. All requirements, other than those stated in this directive, will be limited only to the compliance with the law, rules and regulations as they apply, or may apply, now or in the future.

VII. DISSEMINATION OF CRIMINAL HISTORY INFORMATION TO LAW ENFORCEMENT AGENCIES AND /OR AGENTS THEREOF. (GCIC RULE 140-2-04)

1. Criminal History information may be released to other law enforcement agencies or their agents upon request by the agency.
2. There is no limitations on the type of criminal history information that may be released. All conviction, arrests, and other data pertaining to criminal history information concerning an individual may be released.

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3. The dissemination of criminal history information may be released to other law enforcement agencies or their agents by mail, teletype or in person. In an emergency situation, criminal history information may be released by telephone or fax. If the information is released by telephone, the individual releasing the information must take every precaution to ensure that the person receiving the history information is in fact a law enforcement agent. This may be done by asking the agent's agency state computer identification number, or the ORI .
4. Any law enforcement agency requesting criminal history information in person, must produce his/her law enforcement identification prior to receiving the criminal history information.
5. First Offender Act:
  - a. Criminal records, or segments within records, that contain notations of successful completion of sentence under the First Offender Act , subsequent to the effective date of this directive will only be disseminated to the following , for the purpose of investigation, not employment:

ATTORNEY GENERAL  
DISTRICT ATTORNEY  
SOLICITOR OF STATE COURT  
OFFICE OF STATE PROBATION SYSTEM  
OFFICE OF COUNTY PROBATION SYSTEM  
STATE OR COUNTY PROBATION SYSTEM OF ANOTHER STATE  
OF THE UNITED STATES  
OFFICE OF THE STATE PARDON AND PAROLE SYSTEM  
OFFICE OF THE STATE PARDON AND PAROLE SYSTEM OF  
ANOTHER STATE OF THE UNITED STATES.

A PROSECUTING ATTORNEY OF ANOTHER STATE OF THE UNITED STATES, UPON CONFIRMATION BY SUCH PROSECUTING ATTORNEY THAT THERE ARE PENDING -IN A COURT OF COMPETENT JURISDICTION- CRIMINAL CHARGES AGAINST ANY PERSONS DISCHARGED UNDER PROVISION OF THIS ACT.

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A CHIEF EXECUTIVE OFFICER OF ANY GEORGIA LAW ENFORCEMENT AGENCY UPON HIS CERTIFICATION THAT ANY FIRST OFFENDER RECORD OF A NAMED INDIVIDUAL IS NEEDED IN A PENDING CRIMINAL INVESTIGATION.

6. Any criminal history record information containing segments denoting successful completion of a first offender sentence where the disposition date is prior to July 1, 1978, is not affected and may be disseminated to authorized criminal justice requesters, pursuant to GCIC rules and regulations and applicable State and Federal Laws. However, any completion of first offender probation after July 1, 1978 must adhere to House Bill 758, Act 1298, 1978 session- Georgia Legislature which prohibits dissemination to any law enforcement agency or agent and only those stated in this directive are authorized recipients of this information.

VII. DISSEMINATION OF CRIMINAL HISTORY INFORMATION TO ATTORNEYS:

1. An attorney must file a "Authorization for release of criminal History Records to Attorney's " form with this department.  
SEE ATTACHMENT B
2. The attorney may then obtain a copy of the specified history.

VIII. ARREST BOOKING REPORTS:

1. The following arrest booking information may be given out to persons inquiring on an individual who is currently being held or incarcerated by this department.
  - a. Confirm that the individual of the inquiry is in jail.

NOTE: IF THE PERSON INQUIRED ABOUT IS NOT IN JAIL, THE REPLY WILL BE THAT YOU DO NOT SHOW ANYBODY BY THAT NAME IN JAIL.

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- b. charges
- c. bond amount

NOTE: IN THIS DEPARTMENT, THE ARREST BOOKING INFORMATION WILL BECOME CRIMINAL HISTORY INFORMATION IMMEDIATELY AFTER THE INDIVIDUAL HAS MADE BOND. ANY DISSEMINATIONS AFTER BOND IS MADE CAN ONLY BE HANDLED IN ACCORDANCE WITH THE APPROPRIATE DISSEMINATION PROCEDURES.

IX. DISSEMINATION OF CRIMINAL HISTORY INFORMATION TO THE UNITED STATES CENTRAL INTELLIGENCE AGENCY, CIA, OFFICE OF PERSONNEL MANAGEMENT ,OPM, OR DEPARTMENT OF DEFENSE, DOD:

1. Department of Defense components that are eligible to receive criminal history under this subsection are:
  - Defense Investigative Service
  - Naval Investigative Service
  - Air Force Office of Special Investigations
  - Army Intelligence and Security Command
  - National Security Agency
  
2. Dissemination conditions:
  - a. Requesters must submit to this department written consent signed by the individual under investigation. The consent must state the purpose of the investigation. Consent not required for criminal or national security investigations.
  
  - b. Requesters must show proper governmental credentials prior to receiving the criminal history information.

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- c. Requesters may receive identifiable descriptions, notations of arrest, indictments, depositions, correction/sentencing, supervision, release, adjudications of guilt and nolo contendere. JUVENILE ADJUDICATIONS OR ANY OTHER COMPLETED FIRST OFFENDER SENTENCES MAY NOT BE DISSEMINATED.
  - d. Upon compliance with the above guidelines, the proper criminal history information may be disseminated on military forms.
- X. DISSEMINATION OF CRIMINAL HISTORY INFORMATION TO UNITED STATES MILITARY OFFICIALS/AGENCIES.
- 1. Criminal history information may be disseminated to each of the following military authorities for the purpose stated:
    - a. Military Recruiters- Recruiters may receive criminal history record information if they have a signed consent form for the individual. The standard military form will be accepted.
    - b. Military Law Enforcement- Military Law Enforcement must present proper credentials prior to requesting criminal history information. All criminal history information may be disseminated with the exception of first offender sentences completed after July 1, 1978, only if a letter is provided to this department from the person in charge of requesting military law enforcement information and that the information is needed in connection with a current criminal investigation.
    - c. U.S. Military Special Court Martial and General Court Martial may receive all criminal history information to include first offender sentences completed after July 1, 1978. This information may be requested only by written certification of a military Judge or prosecutor that the efficient administration of military justice in a current case.

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2. Dissemination Conditions:

- a. All US Military Personnel requesting criminal history information must have a completed form, providing a minimum- full name, sex, race, date of birth, and social security number of the person of the inquiry.
- b. Upon compliance with the guidelines of this directive, the proper criminal history information may be released to the mentioned military personnel on military form.
- c. It will be the responsibility of those disseminating criminal history information to insure the information is being disseminated in the proper manner and to the proper persons.

XI. DISSEMINATING CRIMINAL HISTORY INFORMATION FOR GRANTING CITIZENSHIP OR THE INTERNATIONAL TRAVEL.

1. International travel or granting citizenship.

- a. An individual requesting his/her criminal history for the purpose of international travel or granting citizenship should make the request in writing to include: full name, sex, race, date of birth and social security number.
- b. A check of the GCIC criminal history file for the most current information should be made prior to releasing any criminal history for this purpose.
- c. Disseminations will be made on a Laurens County Law Enforcement Letterhead.

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XII. RESPONSIBILITY FOR COMPLIANCE:

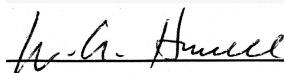
1. The responsibility for departmental compliance with the provisions of this order is assigned to the Terminal Agency Coordinator.

XIII. APPLICABILITY OF STATE AND FEDERAL LAWS AND REGULATIONS:

1. All state and federal statutes not referenced within this order shall be adhered to by the members and employees of this department and shall supersede this directive, if in the present or the future some conflict should exist between the law, GCIC rules and regulations and this directive. All applicable Federal and State Laws and regulations are incorporated as being included in this directive.

XIV. PUNITIVE ACTION:

1. Any member or employee of this Department that is determined to be in violation of the provisions of this directive shall be subject to disciplinary action, including suspension or termination of employment.
2. In addition to Departmental punitive action, any member or employee of this department determined to be violating the State and Federal Laws pertaining to the dissemination of criminal history information are also subject to criminal prosecution. The Georgia State Law, establishing the GCIC center, provides penalties for unlawful or unauthorized dissemination of criminal justice information.



W. A. HARRELL  
SHERIFF

04/20/2005

DATE



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CONSENT FORM

I HEREBY AUTHORIZE \_\_\_\_\_

TO RECEIVE ANY CRIMINAL HISTORY RECORD INFORMATION PERTINENT TO ME WHICH MAY BE IN THE FILES OF ANY STATE OR LOCAL CRIMINAL JUSTICE AGENCY IN GEORGIA.

\_\_\_\_\_  
FULL NAME PRINTED

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP CODE

\_\_\_\_\_  
SEX

\_\_\_\_\_  
RACE

\_\_\_\_\_  
DOB

\_\_\_\_\_  
SSN

\_\_\_\_\_  
SIGNATURE

IF AN EMPLOYMENT OR LICENSING DECISION ADVERSE TO THE RECORD SUBJECT IS MADE, THE RECORD SUBJECT MUST BE INFORMED BY THE AGENCY MAKING THE ADVERSE DECISION OF ALL INFORMATION PERTINENT TO THAT DECISION. FAILURE TO PROVIDE SUCH INFORMATION TO THE PERSON SUBJECT TO THE ADVERSE DECISION IS A MISDEMEANOR.