

PRIVACY AND SECURITY PLAN

STATE OF HAWAII

43668

MICROFICHE

NCJRS

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ACQUISITIONS

THE STATE OF HAWAII  
State Law Enforcement & Juvenile Delinquency  
Planning Agency  
PRIVACY AND SECURITY PLAN

MICROFICHE

June 17, 1976

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## Section 1

### INTRODUCTION

The U.S. Department of Justice in May of 1975 issued Rules and Regulations aimed at privacy and security of criminal history information. These rules and regulations were modified and resubmitted on March 19, 1976 and require that each state submit a Privacy and Security Plan aimed at criminal history record information. In response to this requirement, the State of Hawaii has prepared the following plan. The plan has been prepared using the best information available and utilizing the greatest input possible from criminal justice agencies, considering the time constraints. It is intended that there will be continuing re-examination and evaluation of the plan. This process of review and evaluation may make changes advisable or necessary in the future.

Although this plan was prepared in response to the regulations, its objectives and usefulness transcend that of simply complying with the regulations.

The goals of this plan are fairly straightforward, however involved their implementation may be. They are:

- To insure the protection of the right to privacy of those people whose names appear for whatever reason in the contents of a criminal history record information system.
- To provide reasonable protection for such systems against any intentional or accidental loss, damage, or unauthorized access of information.

The requirement to produce a privacy and security plan was particularly timely for the State of Hawaii, as the State is in the planning stage of its Offender Based Transaction Statistics/Computerized Criminal History (OBTS/CCH) system. Therefore, one of the objectives of this plan is to serve as guidance in the development of this statewide computerized criminal history system.

Many of the issues present in the Regulations are addressed by existing Hawaii statutes. All applicable existing statutes are presented in the appropriate parts of the text. Where an issue is not covered by existing statutes and it is evident that authority, either by executive order or legislation, is required, the mechanism for obtaining authority is presented.

It is the State's intention to implement the total plan prior to December 31, 1977. The Statistical Analysis Center (SAC) will have the overall responsibility of implementing the plan. This responsibility will be shared by other appropriate agencies in the State, including the State Law Enforcement Planning Agency (SLEPA) and the Attorney General's Office. The involved agencies' responsibilities are presented in Section 7.

Finally, there are seven appendices included in this plan. Appendix A presents the certifications of covered agencies. Appendix B presents an excerpt from the Hawaii Comprehensive Data System (CDS) plan that addresses many issues relative to this privacy and security plan. Portions of this appendix, in conjunction with this plan, will serve as guidance in the development of the statewide OBTS/CCH system. Appendix C presents the State of Hawaii Criminal

Justice Agencies and Authorized Non-Criminal Justice Agencies as determined by the Attorney General. Appendix D presents the State of Hawaii Instructions to Criminal Justice Agencies and Notice, as determined by the Attorney General. Appendix E presents Criminal Justice Agency CCH Audit Report, and Appendix F presents the State of Hawaii Guidelines of Operational Procedures for Individual Access and Review of Criminal History Record Information, as determined by the Attorney General. Appendix G presents the formal agreements prepared by the Attorney General.

## Section 2

### COMPLETENESS AND ACCURACY

The purpose of this section is to insure completeness and accuracy of criminal history record information. Since criminal justice agencies in the State of Hawaii will be recording, maintaining, and disseminating this information to both criminal justice and authorized non-criminal justice agencies, it is the responsibility of the criminal justice agencies in the State to make the information that is disseminated complete and accurate to the maximum extent feasible. The completeness of this information will depend on the cooperation of each and every criminal justice agency in adhering to a set of uniform standards and procedures for submission of data to the Central State Repository. These standards and the responsibilities of each submitting agency under these standards are detailed in this section of the plan. The accuracy of criminal history record information depends on strict adherence to these submission standards, the institution of systematic audit procedures, and provisions for rapid and total correction of any erroneous information when errors are discovered. The audit procedures are designed to minimize the creation or storage of erroneous information in the data bank or Central State Repository. However, it is recognized that such errors are inevitable. It is further recognized that some erroneous information will be disseminated before the errors are detected.

Hence, procedures for correcting the errors in the data bank and for notifying all recipients of the erroneous information of the correction are provided in this section of the plan.

The most practical and efficient approach to achieving completeness and accuracy in the State's criminal history data is through the development of a Central State Repository.

#### Establishment of Central State Repository

The Attorney General will be responsible for seeking legislation during the 1977 Session of the Hawaii State Legislature to establish the Central State Repository, as currently there is no such repository for criminal history information in Hawaii. The State is committed to the development of a Central State Repository, with an on-line OBTS/CCH system. The planned operational date is December 1978. (This date is based on approval of the OBTS/CCH grant currently pending in LEAA on or about July 31, 1976.)

SAC is responsible for the development of the Central State Repository. The Central State Repository data base, however, will be maintained by the State Electronic Data Processing (EDP) Division. The function of the Central State Repository will be to collect all pertinent criminal history information to support the CCH and OBTS applications. In the State of Hawaii, this information is supplied by a very limited number of agencies:

- Four police departments
- Four prosecuting attorneys
- One court system
- One corrections system

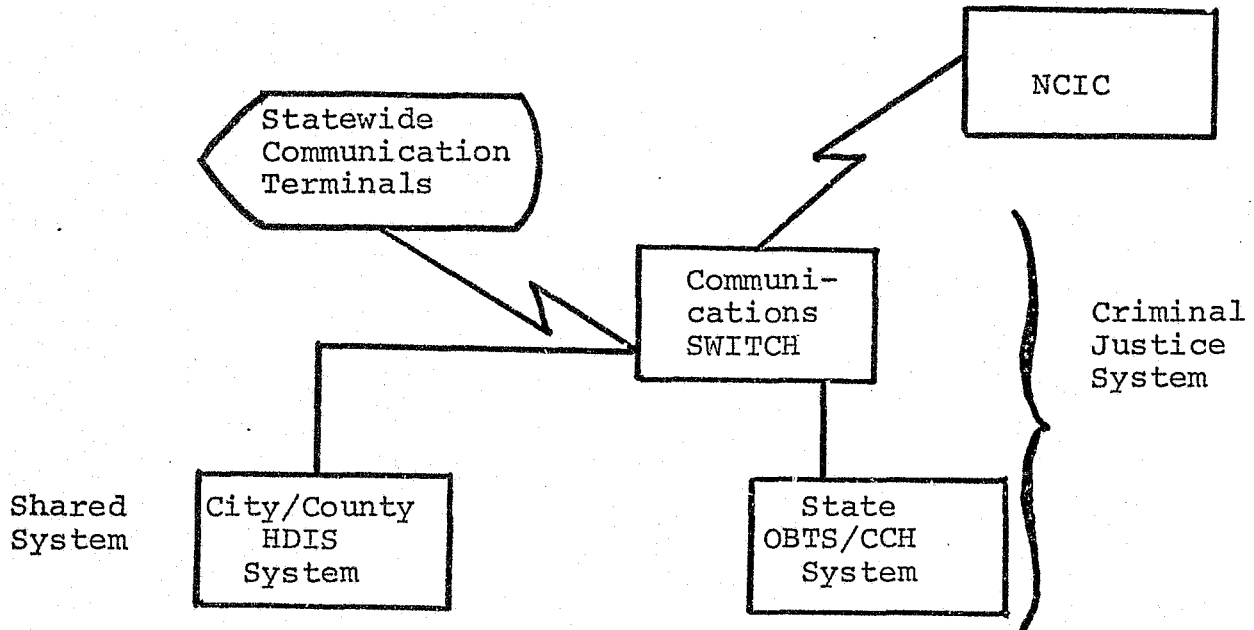


Provisions for management control of the Central State Repository are set forth later in this section.

Upon the initiation of the Central State Repository, the computer configuration within the State will appear as depicted in Exhibit 2-1.

Exhibit 2-1

STATE COMPUTER CONFIGURATION



- Wanted Persons
- Wanted Vehicles
- HPD Arrest Records
- UCR System (Local)
- PROCES System

- State CCH System
- State OBTS System
- State UCR System
- FOCUS/OBSCIS
- HAJIS

There is existing legislation designating the attorney general as the central control of criminal justice information systems; however, these statutes are somewhat vague. For this reason, as mentioned previously in this section, it is the intention of the Attorney General to pursue more specific legislation addressing OBTS/CCH and the Central State Repository.

The general concept for the development of a Central State Repository, and for the reporting of OBTS/CCH data is documented in the Hawaii CDS plan and conceptual design. In brief, the design calls for the use of agency-maintained information systems as the source of input to the OBTS/CCH data base, rather than duplicating data collection.

At the present time, there is a central repository with automated records that approximates the data base which will be constructed in the State system. A set of master fingerprint records and criminal history record information files are maintained jointly by the Honolulu Police Department and by the Attorney General's Office. For five years, these files have been undergoing conversion to an automated, on-line, record system operated on the computers of the City and County of Honolulu Data Processing Division.

While this automated file does not contain all of the data elements implied by a full OBTS/CCH data base, it does contain basic arrest, court disposition, and correctional status data. Essentially all active records covering the last five years have been entered with court dispositions for every charge filed.

In developing this system, the Honolulu Police Department and the Attorney General's Office have developed practical procedures for assuring completeness of all records. As described in the next subsection on reporting, court and correctional data are routinely obtained and entered. The system as now

operating acquires most, if not all, of the dispositional elements defined in the Federal Regulations.

The State asserts that this repository has adequate procedures now in being able to comply with all aspects of the Regulations pertaining to completeness and accuracy. Expansion of the data base design, at this point, would be counterproductive, in view of the OBTS/CCH system development.

#### Reporting of Dispositions

Upon implementation of the OBTS/CCH at the proposed Central State Repository, complete dispositions will be captured at one location. All dispositions will be reported based on positive identification (OBTS/CCH tracking number). Each agency will designate one individual who will serve essentially as field staff to the Central State Repository. It will be his function to monitor all system input for quality assurance. This quality assurance effort encompasses the positive identification procedures.

While the detailed design of the OBTS/CCH has not been completed, it is planned to tie the fingerprint classification to the single tracking number of the OBTS system. The existing concept of the identification process as well as the quality assurance procedures are presented graphically in Exhibit 2-2, on page 2-8. Existing statutes addressing positive identification appear below.

"H.R.S. §28-52. Systems of identification and statistics.

The attorney general shall select and enforce systems of identification of prisoners and persons suspected of crime or of criminal intent and for the recording and compilation of statistics relating to crime. He shall establish systems of identification and provide for the collection of data and statistics relating to crime in manner as nearly as practicable according to the methods generally used in prisons and places of detention throughout the United States. The department of the attorney general shall instruct such employees of the prisons and places of detention and others charged with the preservation of the peace and well-being of society as the attorney general may deem necessary or proper, in such systems of identification and collection and compilation of crime statistics as the attorney general may direct.

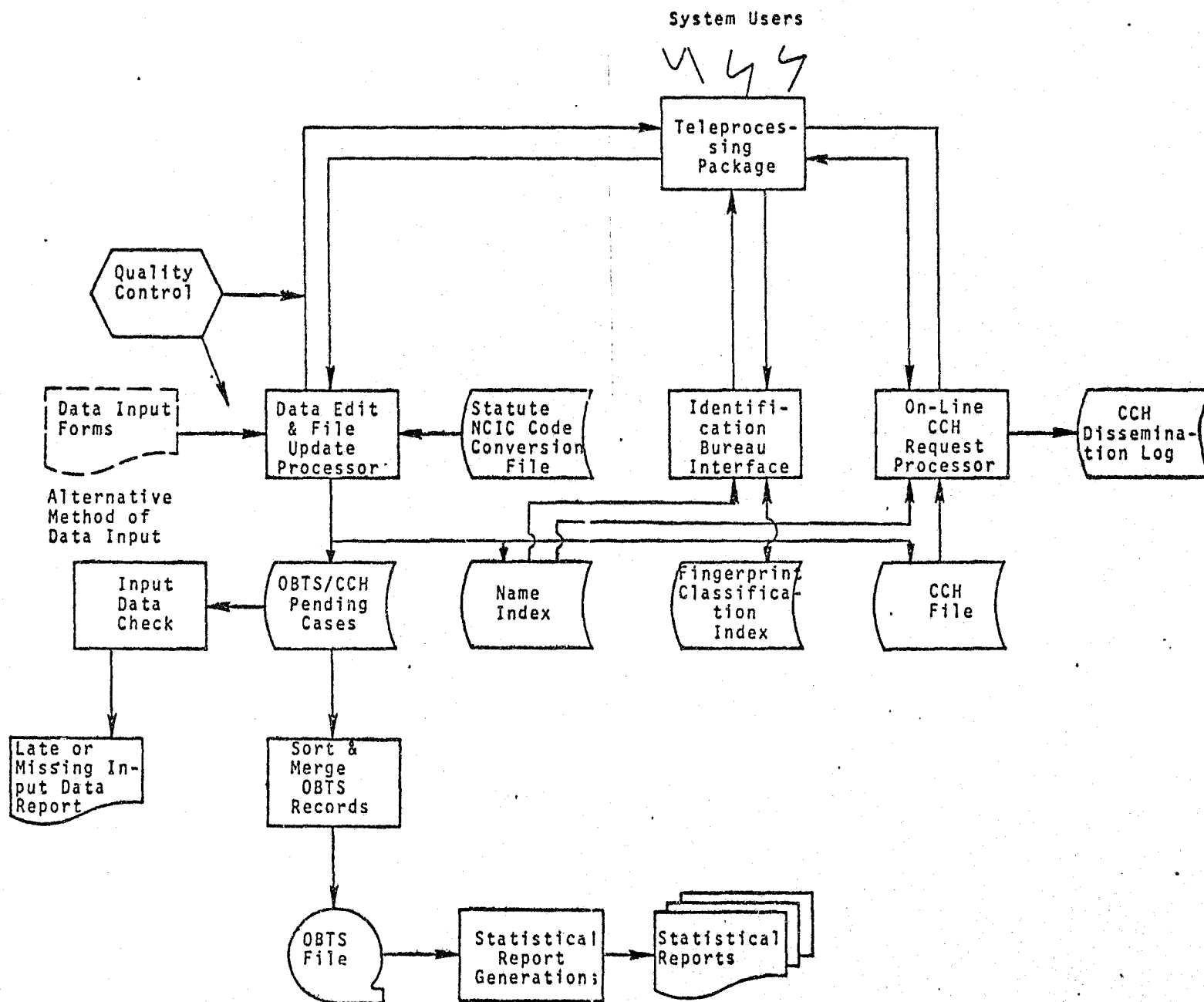
The several counties shall provide the necessary equipment and the compensation of the persons required to install and carry out the work of such systems of identification and statistics in their respective jurisdictions; provided that all such expenses in connection with prison matters exclusively within the control of the State shall be borne by the State.

The systems shall be uniform throughout the State, shall be continuous in operation, and shall be maintained as far as possible in such manner as shall be in keeping with the most approved and modern methods of identification and of the collection and compilation of the statistics.

The attorney general shall keep a uniform record of the work of the courts, prosecuting officers, the police, and other agencies or officers for the prevention or detection of crime and the enforcement of law in a form suitable (1) for the study of the cause and prevention of crime and delinquency and of the effort made and efficacy thereof to detect or prevent crime and to apprehend and punish violators of law and (2) for the examination of the records of the operations of such officers and the results thereof. (L 1947, c 246, pt of §1; RL 1955, §33-2; am L Sp 1959 2d, c 1, §13; am L 1963, c 85 §3)"

More specifically, the Hawaii CDS plan now being implemented bases positive identification on fingerprints, wherever deemed necessary.

Exhibit 2-2  
 CONCEPTUAL OBTS/CCH DATA FLOW



The subsection addressing the systematic and annual audits discusses the procedures and inherent programmed safeguards designed to insure timely disposition reporting.

The existing policies for disposition reporting are as follows:

Honolulu Police Department. All arrestees are photographed and fingerprinted upon arrest. The arrest reports for a 24-hour period are entered on the District Court calendar by the record clerks at the police department. These court calendars are sent over to the Prosecuting Attorney's Office early the next day for arraignment. If the prosecutors choose to nolle prosequi or otherwise not prosecute, it is so noted on the disposition column on the calendar. After court appearance the prosecutor writes all dispositions on the calendar. The calendar is then given to the prosecutor's records section for appropriate notation on its records and is then returned to the police department. The records clerks at the police department enter the disposition on the rap file, the case file, and into the automated arrest index. If the case was a felony, the disposition is returned to the police on an abstract of the prosecutor's case index. This whole process normally takes less than a week. The original calendar prepared by the police department is made up in duplicate and checked daily. A follow-up routine is instigated for all delinquent dispositions. Probation/parole data is obtained by State staff in the records section and subsequently entered into the automated system. These procedures are uniform

for all the police departments; however, disposition reporting is not as timely.

Prosecutor. The disposition capturing for the Prosecuting Attorney's Office is fairly straightforward. All arrestees appearing on the court calendar receive an index card and the dispositions received are entered on a daily basis. The prosecutor has an automated system. The dispositions are prepared for system entry on a daily basis as well.

Courts. The court dispositions are part of the court record. The court record coupled with the "Judgement" papers are prepared immediately upon sentencing and are placed in the case file. This applies for both misdemeanor and felony case trials. Arraignment dispositions are recorded on the calendars and also the appropriate case file. This process normally takes place within one to three days.

Corrections. The two dispositions that may occur within corrections are that the inmate may be placed on parole status or discharged upon completion of service of full maximum term. In either case, the appropriate form noting the disposition is simply placed in the case file and so noted on index cards. This procedure will vary between institutions but remains an internal function and is relatively straightforward. When FOCUS is implemented, the dispositions will constitute an update to the record and will be processed at least on a monthly basis.



The current disposition reporting on an individual agency basis is indeed timely; however, the dispositions do not contain complete information. The disposition reporting for the state-wide OBTS/CCH will create complete criminal history information. Dispositions will be reported for all agencies in the criminal justice system from all geographical locations.

While the regulations suggest disposition reporting within ninety (90) days, the State of Hawaii's position is that all dispositions should be reported much sooner than ninety (90) days if a system is to be dynamic enough to be of value.

The procedures that will be designed into the system to insure timely disposition reporting are discussed in the subsection addressing audits. The inherent software procedures will stem from the OBTS tracking number concept. It will be necessary to conduct a disposition timing study to determine required lead times of each agency's dispositions. These lead times will constitute the expected disposition arrival times to be built into the system and will form the basis for the delinquent disposition reporting. In the interim period, until OBTS/CCH is fully operational, the field staff at each agency will monitor the timeliness of disposition reporting.

In addition to these disposition reporting procedures, there will also be a computerized procedure designed into the inquiry module of the OBTS/CCH system to flag all arrest records one year or older that have not received a disposition. This procedure will signify to the inquirer that further checking

with the appropriate agency must be made to ascertain that the case is still pending prior to dissemination of pertinent information to all non-criminal justice agencies not covered by the Regulations. All criminal justice agencies within the State will query the Central State Repository prior to disseminating any criminal history information. The exceptions will be those cases where time is of the essence and the Central State Repository is technically incapable of responding within the necessary time period to carry out the functions of the criminal justice community. This exception is most applicable to law enforcement and the prosecuting attorney. This procedure has been included in the formal agreements prepared by the Attorney General's Office. Monitoring compliance for this procedure will be the responsibility of SAC.

These disposition reporting procedures are oriented towards the automated OBTS/CCH, which is in the planning and design stage. These systems, as discussed earlier, will be housed at the Central State Repository under the management control of SAC.

In the interim, all criminal justice agencies subject to the regulations will comply to the fullest extent possible with all aspects of the Regulations. Particular emphasis will be placed on the procedures listed below. Non-compliance by any agency subjects it to the sanctions discussed later in this section.

• Prior to disseminating information to a non-criminal justice agency or individual pertaining to an arrest record one year or older which has no disposition recorded, a telephone call will be made to the appropriate agency (prosecutor, appropriate court, etc.) to determine if the case is still pending. Non-criminal justice agencies will be required to sign a notice (See Appendix D) prior to dissemination of the arrest record. Signing of notices will also be required for any secondary dissemination.

• Criminal history data dissemination will be limited to agencies and/or individuals as specified in this plan. Such agencies and/or individuals as well as the limitations on data usage are identified in Hawaii statutes H.R.S. 28-53, H.R.S. 731-3.2 (Act 103), and H.R.S. 571-84. These statutes are presented verbatim in the subsection Limits on Dissemination. The statutes may be further expanded by planned legislation and/or Executive Order.

#### Other Criminal History Record Systems

It is the intention of the State of Hawaii to establish a Central State Repository as described in Section 2 of this plan. However, in the event that criminal history records are maintained at other criminal justice agencies, these agencies will be officially notified by the Central State Repository that they are subject to the requirements of Section 524(b) of the Omnibus Crime Control and Safe Streets Act and thus the general requirements of the Regulations that criminal history record information be kept complete and accurate. Therefore, where criminal histories are maintained at criminal justice agencies other than the Central State Repository and are available for dissemination outside of the agency, they will include complete dispositions to the maximum extent feasible, at least including all dispositions occurring in the jurisdiction served by the system containing the criminal history record information.

The procedures established by the Central State Repository will also be implemented for use by other repositories. This will include designation of officials responsible for obtaining dispositions, designation of other officials in other agencies responsible for reporting dispositions, and formal agreements between agencies supporting such arrangements with the same sanctions applicable for failure to comply.

### Section 3

#### LIMITS ON DISSEMINATION

Section 20.21(b) and (c) of the Federal Regulations provide for the limitation of non-conviction criminal history record information and for the general policies to be utilized in disseminating such information. In this context, dissemination means transmission of criminal history record information to individuals and agencies other than the criminal justice agency which maintains the criminal history record information.

To protect the confidentiality of criminal history information, the State of Hawaii has adopted several related statutes. The general concept of these statutes is that criminal justice agencies should share among themselves only that information which is relevant to their statutory responsibilities; non-criminal justice public agencies and officials should obtain data only where they have specific statutory authorization to use it. The specific statutes that address all law enforcement records appear below:

#### "Section 28-53. Forms; Reports.

The attorney general may prescribe, establish, and change forms to be followed in keeping records and in making reports to the department of the attorney general. All courts and the judges and other officers thereof and all prosecuting officers, chiefs of police, and other agencies and officers for the prevention or detection of crime and for the enforcement of law shall use such forms, keep such records, and make such reports to the department as may be so required. (L 1947, c 246, pt of Section 1; RL 1955, Section 33-3; am L Sp 1959 2d, c 1, Section 13)."

"Section 731-3.2. Expungement Orders.

(a) The attorney general, or his duly authorized representative within the department of the attorney general, upon written application from a person arrested for, but not charged or convicted of, a crime, shall issue an expungement order annulling, cancelling, and rescinding the record of arrest, and within 60 days after receipt of such written application shall, when so requested, deliver, or cause to be delivered, all fingerprints or photographs of such person, unless such person has a record of prior conviction or is a fugitive from justice, in which case the fingerprints or photographs may be retained by the agencies holding such records; provided that an expungement order shall not issue (1) in the case of an arrest of a felony or misdemeanor where conviction has not been obtained because of bail forfeiture, (2) for a period of five years after arrest or citation in the case of a petty misdemeanor or violation where conviction has not been obtained because of a bail forfeiture; and (3) in the case of an arrest for any offense where conviction has not been obtained because he has rendered prosecution impossible by absenting himself from the jurisdiction.

(b) Upon the issuance of the expungement order, the person applying for the order shall be treated as not having been arrested in all respects not otherwise provided for in this section.

(c) Upon the issuance of the expungement order, all records, photographs and fingerprints pertaining to the arrest which are in the custody or control of the State or any county government, and which are capable of being forwarded to the attorney general without affecting other records not pertaining to the arrest, shall be so forwarded for return of the photographs and fingerprints to the person requesting them, and for placement of the records in a confidential file or, if the records are on magnetic tape or in a computer memory bank, shall be erased.

(d) Records filed under subsection (c) shall not be divulged except upon inquiry by:

- (1) A court of law or an agency thereof which is preparing a presentence investigation for the court; or
- (2) An agency of the federal government which is considering the subject person for a position immediately and directly affecting the national security.

Response to any other inquiry shall not be different from responses made about persons who have no arrest record.

(e) The attorney general or his duly authorized representative within the department of the attorney general shall issue to the person for whom an expungement order has been entered, a certificate stating that the order has been issued and that its effect is to annul the record of a specific arrest. The certificate shall authorize the person to state, in response to any question or inquiry, whether or not under oath, that he has no record regarding the specific arrest. Such a statement shall not make the person subject to any action for perjury, civil suit, discharge from employment, or any other adverse action.

(f) The meaning of the following terms as used in this section shall be as indicated:

- (1) 'Conviction' means a final determination of guilt whether by plea of the accused in open court, by verdict of the jury or by decision of the court.
- (2) 'Arrest Record' means the document, magnetic tape or computer memory bank, produced under authority of law, which contains the data of legal proceedings against a person beginning with his arrest for the alleged commission of a crime and ending with final disposition of the charges against the person by non-conviction.

(g) The attorney general shall adopt rules pursuant to Chapter 91 necessary for the purposes of this section.

(h) Nothing in this section shall affect the compilation of crime statistics as provided in Part IV of Chapter 28.

This Act shall apply to fingerprints, photographs, and records of arrest made prior to its effective date, as well as to those made subsequent to its effective date."

The following statute addresses the records of the Family Court and all juvenile records.

"§571-84. Records.

The court shall maintain records of all cases brought before it. In proceedings under Section 571-11, and

in paternity proceedings under Chapter 579, the following records shall be withheld from public inspection; the court docket, petitions, complaints, motions, and other papers filed in any case; transcripts of testimony taken by the court; and findings, judgments, orders, decrees, and other papers other than social records filed in proceedings before the court. The records other than social records shall be open to inspection by the parties and their attorneys, by an institution or agency to which custody of a minor has been transferred, by an individual who has been appointed guardian; with consent of the judge, by persons having a legitimate interest in the proceedings from the standpoint of the welfare of the minor; and pursuant to rule or special order of the court; by persons conducting pertinent research studies, and by persons, institutions, and agencies having a legitimate interest in the protection, welfare, or treatment of the minor.

Reports of social and clinical studies or examinations made pursuant to this chapter shall be withheld from public inspection, except that information from such reports may be furnished, in a manner determined by the judge, to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare, and treatment of the minor.

No information obtained or social records prepared in the discharge of official duty by an employee of the court shall be disclosed directly or indirectly to anyone other than the judge or others entitled under this chapter to receive such information, unless and until otherwise ordered by the judge.

Without the consent of the judge, neither the fingerprints nor a photograph shall be taken of any child in police custody, unless the case is transferred for criminal proceedings. Except for the immediate use in such criminal case, any photograph or fingerprint taken upon such transfer shall not be used or circulated for any other purpose and shall be subject to all rules and standards provided for in Section 571-74.

The records of any police department, and of any juvenile crime prevention bureau thereof, relating to any proceedings authorized under Section 571-11 shall be confidential and shall be open to inspection only by persons whose official duties are concerned with the provisions of this chapter, except as otherwise ordered by the court. Any such police records concerning traffic accidents in which a



child or minor coming within Section 571-11(1) is involved shall, after the termination of any proceeding under Section 571-11(1) arising out of any such accident, or in any event after six months from the date of the accident, be available for inspection by the parties directly concerned in the accident, or their duly licensed attorneys acting under written authority signed by either party. Any persons who may sue because of death resulting from any such accident shall be deemed a party concerned.

Evidence given in proceedings under Section 571-11 (1) or (2) shall not in any civil, criminal, or other cause be lawful or proper evidence against the child or minor therein involved for any purpose whatever, except in subsequent proceedings involving the same child under Section 571-11(1) or (2). (L 1965, c 232 pt of §1; Supp. §333-39)."

There is no existing legislation that specifically addresses the dissemination of correctional or parole data as it pertains to criminal histories. The OBSCIS Policy Committee that has been formed will pursue more specific legislation through the Attorney General's Office during the 1977 Legislative Session.

The OBSCIS Policy Committee will also explore and make recommendations as to what data elements may be disseminated. In the interim the interpretation of the Public Records Law and other related statutes and procedures presented in the Hawaii CDS Plan are being used as guidance. This policy committee has been made aware of the Regulations and their recommendations will encompass total compliance. Preliminary acceptance of all elements of the CDS program privacy policies, as presented in Appendix B to this plan, has been achieved.

Because the aforementioned State Statutes do not set forth the operational procedures to limit dissemination of non-conviction

criminal history record information, the Attorney General's Office will pursue more specific legislation during the 1977 Session to insure that dissemination of information is limited as outlined in the Federal Regulations Section 20.21(b). It is the intention of the Attorney General's Office to issue regulations to all criminal justice agencies, as mandated by the proposed legislation, to limit dissemination of criminal history record information to the following:

- "To criminal justice agencies for purposes of the administration of criminal justice and criminal justice agency employment."
- "Individuals and agencies for any purpose authorized which by statute, ordinance, executive order, or court rule, decision, or order, as construed by appropriate State or local officials or agencies;"
- "Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement. The agreement shall specifically authorize access to data, limit the use of data to purposes for which given, insure the security and confidentiality of the data consistent with these regulations, and provide sanctions for violation thereof."
- "Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. The agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, insure the confidentiality and security of the data consistent with these regulations and with Section 524(a) of the Act and any regulations implementing Section 524(a), and provide sanctions for the violation thereof. These dissemination limitations do not apply to conviction data."

The Regulations distinguish between conviction and non-conviction information insofar as dissemination is concerned. Conviction information is "currently made available without limitation in

many jurisdictions." Under the Federal Regulations, conviction data and pending charges could continue to be disseminated routinely. No statute, ordinance, executive order, or court rule is necessary in order to authorize dissemination of conviction data. However, nothing in the Federal Regulations shall be construed to negate a State law limiting such dissemination. therefore, the Attorney General's Office will pursue specific legislation during the 1977 Session to limit dissemination of conviction data where applicable.

The Statistical Analysis Center through the Office of the Attorney General intends to undertake a comprehensive analysis, prior to December 31, 1977, of the extent to which criminal history record information is currently disseminated to non-criminal justice agencies within each of the above categories. It will be the policy of the Attorney General's Office to clearly define specific agencies and uses of criminal history record information in the Regulations to be issued in order to provide effective guidelines for criminal justice agencies. This analysis will also identify Federal agencies which currently have access to State and local agency data bases for pre-employment purposes. The authority of each agency to so access will be reviewed and regulations developed to define Hawaii's policy regarding Federal access to criminal history record information consistent with the Federal Regulations.

Under the proposed legislation to insure implementation of Section 20.21(b) of the Federal Regulations, the requirements of Section 20.21(c) will be addressed as follows:

### Validation and Verification

Before any dissemination of criminal history record information takes place, disseminating agencies will be certain that the potential recipient agency is an agency permitted to receive such information under the Regulations. If a potential criminal history record information recipient claims to be authorized to receive such information pursuant to a statute, ordinance, executive order, or court rule, decision, or order, the disseminating agency will review the text of such authority prior to dissemination.

If the disseminating agency is not certain that the statute, ordinance, executive order, or court rule, decision, or order is proper authority for dissemination, it will refuse to release the information pending the opinion of the Attorney General's Office.

Criminal justice agencies may accept written or oral representations from requesting agencies or individuals that their authority to receive non-conviction criminal history record information has been reviewed and approved by SAC acting for the Central State Repository or by another criminal justice agency.

Verification for individuals receiving their own criminal history record information will be made on the basis of fingerprints or identification by recognition.

### Specific Guidance to Personnel

It is recognized that all personnel who are responsible for accessing and maintaining criminal history record information files are in a position to either purposely or accidentally disclose confidential information. For this reason, it will be

the practice of the State of Hawaii to investigate the background of all personnel employed in this capacity. The data processing center which will service the Central State Repository will institute a personnel clearance system. In addition, adequate training will be provided to ascertain that sensitive data, both automated and manual, is handled properly.

The compliance agreements made with each agency governed by the Regulations will stipulate that the agency will familiarize all new employees, as part of their orientation, with the Regulations.

In addition, adequate instructions will be provided by the Central State Repository to ensure that sensitive data, both automated and manual, is handled properly. Specifically, instructions will be included to prohibit confirmation of the existence or non-existence of criminal history record information for employment of licensing purposes, except as provided for under Federal Regulations 20.21(c)(2).

#### Expiration of Availability of Criminal History Record Information

After December 31, 1977, criminal history record information concerning the arrest of an individual may not be disseminated to a non-criminal justice agency except under Section 20.21(b)(2), (3) or (4). Also, the only limits on dissemination imposed relate to "non-conviction data," as defined in Section 20.3(k), to include information disclosing that (1) the police have elected not to refer the matter for prosecution, (2) a prosecutor has elected not to commence proceedings, (3) proceedings have been

indefinitely postponed, (4) all dismissals (5) all acquittals, and (6) arrest records without dispositions if a year has elapsed and no conviction has resulted and no active prosecution is pending.

To comply with this requirement, the State of Hawaii will establish a delinquent disposition monitoring system to restrict dissemination of non-conviction data where the disposition information is delinquent as discussed in Section 4, Audits and Quality Control.

The Central State Repository will ensure that automated systems using computer terminal sites located in agencies authorized to receive criminal history record information will be notified by flags on the record signifying to the inquirers that certain segments of the criminal history record are subject to restricted dissemination. This procedure will ensure that terminal operators at remote sites will not mistakenly release restricted information to unauthorized sources.

For manual systems, a visual screening technique will be established by the Central State Repository to appropriately identify record entries subject to the restrictions on dissemination. These visual screening techniques will include specific guidance to clerical personnel retrieving and disseminating criminal history record information by providing checking procedures to be exercised prior to record dissemination. The screening techniques will also include procedures for update of the manual file to indicate data that is subject to restricted dissemination for future inquiries.

Regulations will be issued by the Attorney General's Office to all agencies to which the Central State Repository disseminates criminal history record information, forbidding the dissemination of open arrests over one year old to non-criminal justice agencies unless prosecution is still pending.

The Attorney General's Office will further prepare instructions to be distributed to all criminal justice agencies to which the Central State Repository disseminates criminal history records detailing restrictions on internal agency use, validation of statutory authority of non-criminal justice agencies, and security procedures. These instructions will fully explain the restrictions imposed on dissemination of open arrests more than one year old and will provide specific guidance to clerical personnel receiving and disseminating criminal histories on both manual and automated systems.

#### Promptness of Disposition Reporting

In Section 20.21(a)(1), the Regulations provide that "To be complete, a record maintained at a central state repository which contains information that an individual has been arrested, and which is available for dissemination, must contain information of any dispositions occurring within 90 days after the disposition has occurred. The above shall apply to all arrests occurring subsequent to the effective date of these regulations." (June 19, 1975) "Procedures shall be established for criminal justice agencies to query the central state repository prior to dissemination of any criminal history record information to insure that

the most up-to-date disposition data is being used. Inquiries shall be made prior to any dissemination except to those cases where time is of the essence and the repository is technically incapable of responding within the necessary time period."

The Attorney General's Office has specified which criminal justice and non-criminal justice agencies and individuals shall actually receive criminal history record information. (See Appendix C)

As the State of Hawaii does not currently have legislation pending or in effect addressing timely disposition reporting, the Attorney General's Office will seek legislation during the 1977 Session to ensure disposition reporting within 90 days. This reporting criteria will be implemented "to the maximum extent feasible." The timeliness of disposition reporting will be verified during the audit process discussed in Section 4 of this plan.

#### Agreements

The Regulations require the State to insure that after December 31, 1977, dissemination of non-conviction data has been limited, "whether directly or through an intermediary," only to criminal justice agencies and specified categories of legally authorized non-criminal justice agencies and individuals. User agreements between disseminating and receiving agencies will fulfill this requirement.

Where the State of Hawaii has no current legislation specifying appropriate civil or criminal sanctions for violation of the



Regulations, written contractual agreements between disseminating and receiving agencies have been prepared by the Attorney General's Office to meet the objectives of the Regulations and are included as Appendix G to this plan.

The agreement also stipulates that the receiving agency may be subject to sanctions, levied by the Attorney General, for violating the Regulations.

Once an agreement has been signed between a disseminating agency and a receiving agency, the agreement will be binding for all future disseminations of criminal history record information. These agreements are in the form of a standard contract for use by all agencies subject to the Regulations.

Any agency disseminating criminal history record information to non-criminal justice agencies covered by the Regulations, and/or individuals having legislative or executive authority of access to such information for specific purposes, will also utilize the agreements required for criminal justice agencies. The agreements also provide for disseminated information and all copies thereof to be returned to the disseminating agency or destroyed once the information is no longer needed for the purpose for which it was disseminated. An example of the agreement is shown in Appendix G.

As presented in Appendix A of this plan, certifications have been obtained from all criminal justice agencies subject to the Regulations. Therefore, it was not required that each criminal justice agency obtain a certification or execute a user agreement with every individual to whom it disseminates information,

if each such agency or individual submitted a certification to the Central State Repository or signed a user agreement with another criminal justice agency. Criminal justice agencies may also accept oral representations that requesting agencies, either in or out of the State have submitted certifications or have signed user agreements incorporating the limits and requirements of the Federal Regulations.

In summary, in order to receive criminal history records, agencies and individuals will be determined to be both eligible under Section 20.21(b) and subject to the Regulations by virtue of a certification, or a user agreement.

#### Sanctions

Sanctions will be provided for violations by agencies not subject to the Regulations which are given criminal history information. The sanctions will subject these agencies in violation to equivalent penalties than those applicable to agencies which fall under the Regulations. Sanctions against these agencies in violation will be prepared and applied by the Office of the Attorney General in the legislation to be pursued during the 1977 Session.

#### Access by the Military

Section 504 of Title 10 of the United States Code provides that no person who has been convicted of a felony may enlist in the armed forces except with special permission. Since implementation of this statute requires armed forces recruiters to review only conviction records, the statute does not provide adequate authority for the dissemination of non-conviction data. Section 20.21(b) (2)

of the Federal Regulations state that "dissemination of non-conviction data has been limited, whether directly or through an intermediary, only to : ... (2) Individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order." This is not addressed in laws governing the State of Hawaii. The Attorney General's Office will therefore pursue legislation during the 1977 Session to provide for release of such non-conviction criminal history record information to military service recruiters only under the following condition:

- Military service recruiters and agents for government units conducting employment background investigations and must furnish a notarized release, signed by the person whose record is being checked. The release will be retained by the agency responsible for release of the record.

Section 20.21(d) prohibits dissemination of juvenile records to non-criminal justice agencies which specifically refers to and permits dissemination of juvenile records. Since Section 10 U.S.C. Section 504 does not contain any reference to juvenile records, it does not fulfill this requirement, and may not be relied upon as authority for allowing military recruiters to access juvenile records. In the absence of a Hawaii statute, or Federal executive order conferring such authority, juvenile records may not be accessed by military recruiters.

#### Juvenile Records

Section 20.21(d) of the Federal Regulations prohibits dissemination of records pertaining to the adjudication of a juvenile to non-criminal justice agencies except where the dissemination

takes place pursuant to (1) a statute, court order, rule or court decision, specifically authorizes juvenile record dissemination, (2) a good faith research agreement, (3) a contract to provide criminal justice service to the disseminating agency, or (4) except to the same extent as criminal history records may be disseminated as provided in Section 20.21(b)(3) and (4). In addition, the provisions of the Regulations concerning completeness and accuracy, rights of access, and other matters, do not apply to juvenile records. As the State of Hawaii does not have specific, current legislation concerning juvenile records, the Attorney General's Office intends to pursue more specific legislation during the 1977 Session to ensure that all provisions of the Federal Regulations concerning juvenile records will be met.

## Section 4

### AUDITS AND QUALITY CONTROL

The Federal Regulations [Section 20.21(a)(e)] require two different types of audits: (1) systematic audit and (2) annual audit. A systematic audit is an internal audit performed regularly by all criminal history repositories to maximize accuracy and completeness. An annual audit of State and local criminal history record information users is to test compliance with all regulatory requirements. The annual audit will be provided for a representative sample of State and local criminal justice agencies selected randomly on the basis of population served.

SAC, via the aforementioned field staff, will be responsible for monitoring compliance with restrictions set out in the Regulations. This will be addressed by requiring that appropriate records be kept of record disseminations and that the Attorney General's Office be responsible to conduct an annual audit of the Central State Repository and a representative sample of criminal justice agencies to verify adherence to the Regulations.

#### Systematic Audit

The systematic audit process for the State of Hawaii is the combination of systems and procedures employed both to guarantee completeness and to verify accuracy of records. These systems and procedures as described on the following pages

will be inherent in the design of FOCUS, HAJIS, and OBTS/CCH, which are currently in the design and planning stages, as well as the arrest index maintained by the City and County of Honolulu Data Processing Department. The systematic audit will deal with checking on completeness to provide a means for monitoring the submission of disposition data. These procedures are also applicable to other manual and computerized systems which fall under the Regulations. The systematic audit procedures will be a significant factor in the certification process where the affected agencies agree to comply with all the Regulations.

#### Delinquent Disposition Reporting

The systematic audit will automatically audit and monitor the automated and manual segments of all repositories in the State that collect, store, or disseminate criminal history record information in order to:

- Check all incoming data for completeness.
- Locate delinquent dispositions.
- Check offense and sentencing codes for appropriateness.
- Audit correctness and sequence for dispositions.
- Check all designated, required information for entry.
- Monitor appropriateness of terminal requests.
- Notify management of inappropriate errors or request activity.
- Prevent non-criminal justice dissemination where appropriate.
- Provide an audit trail which will permit tracing of individual data elements to source documents.

SAC will institute a delinquent disposition monitoring system for the complying agencies which will be based on estimating expected arrival dates for dispositions. These anticipated dates will reflect anticipated processing for each type of criminal offense. If an expected disposition is not received by the estimated due date, the inherent application software provided by the responsible agency at the Central State Repository will automatically flag the record and provide information to that agency on whom to call to obtain disposition status. This information will then be reported to SAC who will, pending investigation, have the authority to withhold the dissemination of information covered under the one-year rule to agencies maintaining terminal access to the system and which are prohibited from receiving the information covered. These procedures will be covered under the section entitled Security.

#### Edit and Verification

Accuracy checks during the computerized and manual edit and verification process will provide controls and inspections on the input to the system to insure integrity. In both manual and computerized systems, the audit will insure that all record entries are verified and appropriately edited prior to entry, and that source documents are properly interpreted. Audit procedures will include random inspection of the records compared with source documents to determine if data handling procedures are being correctly followed.

Exhibit 2-2, displayed earlier in Section 2, presents graphically the design and quality assurance procedures to be implemented

with OBTS/CCH. In the interim, SAC will be responsible for quality assurance of manual files.

#### Audit Trails

The Attorney General's Office has made provisions in their audit procedures to insure that a maximum level of system accuracy is maintained. An audit trail will allow for the tracing of specific data elements back to the source document. The audit trail will encompass all participating agencies in the criminal history records system. The audit procedures have been developed and are included as Appendix E.

#### Dissemination Logs

Each and every criminal justice agency in the State of Hawaii that disseminates criminal history record information will be required to maintain records of transactions involving criminal history record information so as to provide accountability for the collection, storage, and dissemination of criminal history record information.

The audit trail covering input to the system will follow records of transactions of disseminated data over the full cycle of collection, storage, and dissemination of criminal history record information. Logging will be required for the support of the audit process and also as a means of correcting erroneous dissemination.

All agencies covered by the Regulations will maintain a listing of the agencies or individuals both in and outside of the State



to which criminal history record information is released. This listing will be preserved for a period of not less than one year from the date of release. Such listings will indicate, as a minimum, the agency or individual to which information was released, the date of the release, the individual to whom the information relates, and the items of information released. The listings will include specific numeric or other unique identifiers to provide positive identification links between information which is disseminated and the record from which the information was extracted.

Immediate notification will be provided by the disseminating agency to recipient agencies known to have received criminal history record information after inaccurate data has been entered on the record. Corrections to records will be forwarded immediately to all appropriate agencies in hard copy forms such as letter or computer printout. Agencies to which corrections were sent and the date that the notifications were released will be recorded by the disseminating agency.

#### Annual Audit

Annual audits of a representative sample of criminal justice agencies chosen on a random basis will be conducted under the direction of the Attorney General's Office to verify adherence to the Regulations and that appropriate records will be retained to facilitate such audits. Since the audit of each criminal justice agency in the State of Hawaii would be cost prohibitive, a representative sample is intended to provide a statistically

significant examination of the accuracy and completeness of data maintained at the Central State Repository and to insure that the other provisions of the Regulations are being upheld.

Annual audits of criminal justice agencies for both manual and computerized systems will be performed under the direction of the Attorney General's Office. Dispositions, dissemination logs, and secondary dissemination logs will be audited both at the Central State Repository and agencies covered by the Regulations utilizing a sampling technique based on population served. Specific records will be examined by the audit at the repository level and will be traced through internal update procedures back through field input processing to terminate at the source document. Areas to be reviewed will include, but not be limited to, review of the systematic audit procedures, and examination of the evidence of dissemination limitations, security provisions, and the individual's rights of access. Local agency audits will include annual audit of dissemination logs and secondary dissemination logs for two of four district courts, two of four circuit courts, one supreme court, one correctional center, one honor camp, one release center, and police departments in Honolulu, Maui, Kauai, and Hawaii. This process will provide an annual audit of each agency in the State at least once every five years. Specific cases of records events will cover a random sampling throughout all agencies. The annual audit report will be prepared and acted upon by the Attorney General's Office. The Attorney General's Office will be responsible for the levying of any sanctions for those agencies not adhering to the provisions of the Regulations.

The audit procedures will begin with a questionnaire to be used by the agency under audit to certify compliance. An example is shown in Appendix E. The Attorney General's Office will then form inspection teams to randomly check operational procedures for compliance.

Local agencies will be responsible for providing the necessary documents and data elements to support the annual audit at the point of data entry from which criminal history information stored at the repository is derived, which should include, but not be limited to, arrest indices and reports, prosecution dispositions, court calendars or appropriate indices, correctional reports, parole reports and probation reports. Other documented information necessary to support annual audits are complete logs of dissemination maintained at each point authorized to release criminal history record data. These logs will include at a minimum the names of all persons or agencies to whom information is disseminated as well as the data of release and any additional data elements to be contained in the dissemination logs which will appropriately complete the dissemination audit trail.

All users of criminal history record information will agree to the audits by signing an Agreement developed by the Attorney General's Office to hold themselves open to such audits, and to maintain such documents as are determined to be necessary to facilitate adequate auditing. As a minimum, all user agencies which contribute data to the Central State Repository must maintain documents from which such contributions were derived plus

full and complete dissemination logs. The annual audit will contain three basic procedures as follows:

Procedural Audit. This audit will examine the extent to which procedures have been implemented to insure compliance with the Federal and State Regulations. This section of the audit will cover:

- Completeness of records and disposition reporting procedures.
- Accuracy of records.
- Dissemination practices (query, limitations, tracking).
- Security (hardware, software, personnel, physical).
- Individual's right of inspection.
- Delays in disposition reporting.

Methods used in conducting this audit will include:

- Reviews of written procedures and manuals.
- Personnel interviews to evaluate understanding and practice.
- Observation of the site and operations.

Records Audit. This audit will evaluate the completeness and accuracy of Central State Repository files as measured against records of original entry. It will be conducted by taking a random selection of source documents at local agencies to evaluate:

- Completeness of data entry of arrests or dispositions into Central State Repository and/or local files.
- The accuracy of data entry of arrests and dispositions to provide the error rate for critical field data.

All evaluations will be based on statistically significant samples of original entry records.

Audit of Activity Logs. This audit will evaluate the effectiveness of the system's tracking mechanisms. Records to be examined include dissemination logs, record corrections logs, and physical and terminal access logs. Besides inspection of logs, the audit team will:

- Review logging procedures;
- Interview personnel handling records or processing records corrections; and
- Observe each system's operations.

#### Audit Sanctions

The Attorney General's Office will utilize the information developed through the annual and systematic audits to evaluate criminal justice agencies' adherence to the Federal Regulations. When an agency is found to be in violation, the Attorney General's Office, through SAC, will immediately provide technical assistance and guidance in an effort to correct inappropriate procedures. The Attorney General's Office, through SAC, reserves the right to suspend the services of the Central State Repository to any user agency, whether federally funded or not, which violates any Federal or State law or regulation respecting the processing of criminal history records.

The Attorney General's Office will seek State legislation during the 1977 Legislative Session providing penalties against individuals and criminal justice and non-criminal justice agencies for violation of laws or regulations pertaining to the collection, storage, use, and dissemination of criminal history record information.

## Section 5

### SECURITY

Section 20.21(f) of the Federal Regulations, dated Friday, March 19, 1976, addresses several areas of security in both manual and automated systems. The State of Hawaii recognizes its responsibility to control systems access and to maintain strict accountability for system operations. This includes securing criminal history record information systems against natural and human forces which could damage, destroy, tamper with or compromise the data. The control and accountability encompass the Central State Repository and all other data processing installations subject to the Regulations.

This subsection of the plan addresses the three topics listed below:

- Management control and personnel selection
- Hardware and software security measures
- Physical security measures.

#### MANAGEMENT CONTROL AND PERSONNEL SELECTION

##### Management Control

Section 20.20(f)(4) requires that a "...criminal justice agency will screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information." The regulations impact two computer installations within the State. First, they impact

the State EDPD where the Central State Repository data base will reside. Second, they impact the City and County of Honolulu Data Processing Department. Both of these centers are in the process of implementing managerial control and personnel selection procedures relevant to the criminal justice application systems.

The Office of the Attorney General will pursue legislation during the 1977 Session to (1) place in effect that fingerprints and thorough background checks are made of all personnel subject to employment where criminal history record information is collected, stored, or disseminated and that the responsible criminal justice agency can accept or reject, based on good cause, a request for employment, and (2) provide for a responsible criminal justice agency to have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to criminal history record information where such personnel violate the provisions of the Federal Regulations or other security requirements established for the collection, storage, or dissemination of criminal history record information.

The Office of the Attorney General also plans, prior to December 31, 1977, to institute procedures where computer processing is not utilized, to assure that an individual or agency authorized direct access to criminal history record information is responsible for:

- The physical security of criminal history record information under its control or in its custody.
- The protection of such information from unauthorized access disclosure, or dissemination.

These procedures will be instituted in all local, county, and state law enforcement departments where manual criminal history record information is stored. These procedures will also provide that direct access to criminal history record information shall be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system, be it manual or automated.

The Office of the Attorney General, through SAC, will have the responsibility to insure implementation of the plan, operational review of the procedures, and recommendations to change an unsatisfactory operation of the Central State Repository in order to assure that the Central State Repository is adhering to the Federal Regulations. This authority will apply to both manual and automated systems.

#### Personnel Selection

All personnel having access to manual or computerized criminal histories stored by the Central State Repository or manual records stored by law enforcement agencies will be employed by criminal justice agencies with the exception of computer operations personnel of the computer facility serving as the service bureau to the Central State Repository. These operations personnel, will, however, be under the management control of the Central State Repository. These employees will be screened, prior to employment, by means of background checks and fingerprint search. The existence of a criminal history record or other related criteria on an employee/applicant may be automatic disqualification for employment.



Each applicant's background will be examined individually and thorough interviews will be held.

The City and County Data Processing Department has designated selected individuals to the maintenance, enhancement, and development of criminal justice applications. In addition, all data entry to the arrest index maintained at this installation is performed by the Honolulu Police Department.

The State EDP Division is not currently processing, storing, or disseminating criminal justice information. They will, however become the host computer for the data bases of the following criminal justice applications:

FOCUS - The Corrections System

HAJIS - The Courts Systems

OBTS/CCH

The systems analysts, computer programmers, and data input operators responsible for the development, implementation, and maintenance of the court system and the corrections system will be employed by the corresponding agencies. The analysts and programmers responsible for the OBTS/CCH will be employed by SAC. The data input operators will be employed by the appropriate criminal justice agency.

Section 20.21(f)(B) requires that "A criminal justice agency will: Have the right to initiate or cause to be initiated administrative action leading to the transfer or removal of personnel authorized to have direct access to such information where such personnel violate the provisions of these regulations or other security requirements established for the collection, storage, or

dissemination of criminal history record information." This will be implemented in the State of Hawaii where the appropriate criminal justice agencies are responsible for their personnel selection and security clearances on all programmers, analysts, and data input operators. This authority will include veto over personnel selection and personnel assignment utilizing data gathered through background checks. It will also apply to secretaries, guards, maintenance personnel, computer operators, contractors, as well as individuals whose duties clearly require direct access. These procedures will not conflict with any state employment practices already in existence. In addition, all security measures inherent in the applications software will be designed by their own staff, thus reducing the role of the EDPD to that of a service bureau.

The use of non-criminal justice personnel will be allowable under Section 20.21(b)(3) of the Federal Regulations for purposes of systems development, including programming and data conversion, but only to the extent "to provide services required for the administration of criminal justice." This access will be granted by means of user agreements and individuals will be subject to the sanctions for breach of security procedures. (See Agreements and Sanctions in Section 3 of this plan, Limits on Dissemination.) When such personnel are utilized, they will function under the direction of and perform duties for the benefit of the Central State Repository. Such individuals utilized for this purpose will be considered equivalent to employees, and the same level of personnel clearance will be obtained as would be sought for full-time employees of the Central State Repository in similar situations.

The appropriate criminal justice agencies in the State of Hawaii will provide for a personnel clearance system for use in agencies which have the responsibility for maintaining or disseminating criminal history information. The State will also establish procedures for granting clearances for access to criminal history information as well as areas where criminal history data is maintained. Clearances will be granted in accordance with strict right-to-know and need-to-know principles. The personnel clearance system will allow for selective clearances, allowing less than unconditional access to all areas. Clearances will be selected to the point of denying access because of the absence of the need-to-know. Clearances granted by one agency will be given full faith and credit by another agency. Ultimate responsibility for the integrity of the persons granted right-to-know clearances remains at all times with the agency granting the clearance. Right-to-know clearances are executory and may be revoked or reduced to a lower sensitivity classification at the will of the grantor. Adequate notice will be given of the reduction or revocation to all other agencies that previously relied upon such clearances.

Specific training requirements will be set forth for all personnel directly associated with the maintenance or dissemination of criminal history data. The training program will include the creation of a statewide training manual as well as training sessions to brief all personnel regarding the rules and regulations.

Personnel with access to the law enforcement terminal networks will be thoroughly trained in the use of the terminals and will be briefed in security procedures. Personnel working in the computer center serving the Central State Repository will be trained in security procedures at the time of employment. These procedures will be reviewed by the Office of the Attorney General and will include a briefing by the appropriate criminal justice agency with all current and future personnel to make them familiar with the substance and intent of the Federal Regulations.

#### Hardware and Software Security Measure

The Regulations require that where computerized data processing is employed, effective and technologically advanced software and hardware designs are instituted to prevent unauthorized access to such information. Currently, there are no laws, statutes, or executive orders in the State of Hawaii which address data processing safeguards and requirements. The State EDP Division, acting as the Central State Repository service bureau, is developing and instituting effective controls and procedures to insure the security of computer and teleprocessing facilities against improper or unauthorized use.

The Central State Repository data base will be housed within the State EDP Division. However, the management control of the Central State Repository will be under SAC as presented in the subsection, Management Control.

The Central State Repository will develop effective controls for securing teleprocessing facilities and data against improper or

unauthorized use. Teleprocessing security will be based upon four measures which help to prevent unauthorized persons from accessing on-line data. These measures are (1) the teleprocessing system is operable only during specific working hours; (2) the terminals are located where the terminal operator can be observed; (3) a password sign-on procedure will be taken to gain initial access to the teleprocessing system; and (4) terminals will have access only to authorized data files.

Technical capabilities of the computer itself can also protect the system from compromises. These security features will include protection through the identification, verification, and authorization of persons, data files, and access modes within the system.

Legislation will be pursued by the Office of the Attorney General during the 1977 Session giving SAC the statutory responsibility to insure that the data processing center has adequate control of access to criminal history record information system facilities, system operating environments, data file contents in use or stored in a media library, the system documentation conforming with security standards required by the Federal Regulations and security standards provided by such legislation.

Terminal and Operator Identification. Many systems allow a user at a remote location to access the computer via telecommunications facilities and terminal devices. Therefore, an identification code of a terminal user will be implemented for each remote terminal as a precondition for entering the files. The terminal being used will also be positively identified. On a batch job not submitted

at a terminal, the job card will carry the identification code. Within each agency, terminal use will be assigned to a limited and identified group of individuals.

The access rights of a user will be explicitly denoted in any situation where partial rights exist, e.g., for a limited access file or where reading is permitted but changes and deletions are not. An authorization table (or matrix) will be stored with the data showing a list of authorized users of the data and their access rights. Access to this table will be strictly limited to persons authorized to modify the table and will be stored separately from the data.

For particularly sensitive data, a callback procedure will be instituted, in addition to the recognition of the personal identification number, to authenticate the identity of users requesting confidential data from remote terminals.

These security measures will be inherent in the applications program terminal access methods provided by the responsible criminal justice agency.

The computer will be programmed to log the identity of all users, and the date of access. This information shall be maintained for twelve (12) months.

Data Storage. Currently, the State EDP Division computer is a large-scale system which does not have the hardware/software capability for file protect measures. However, they are currently utilizing a Data Base Management System which will allow encryption

and data element classification of data for elimination of unauthorized access. In the future, should the State EDP Division upgrade its computer system to a more sophisticated large-scale system, the hardware/software capability will be available for such file protect measures. At that time, computer systems will be programmed to isolate users, to check their own operations, and to detect intrusions and other violations.

The security software will establish the proper authorizations to control inquiry and update. This authorization applies to all resources to which a user can have access, and to the mode of access.

The security programs will be designed wherever technically possible in such a way that they cannot be compromised. As new techniques become apparent for bypassing the security facilities, the programs will be modified within the existing hardware constraints to seal the leak.

Data will be stored in a data base management classification system according to scope of permitted access and sensitivity of the data.

Confidential criminal justice records that are maintained on-line in a time-shared, remote access computer system will be either password protected or have some form of encryption that at least prevents accidental disclosure, or both.

Passwords, in addition to a personal identification number, will serve for authentication of a user's identity and will be used

to authenticate the authorization of a user to access a file. Passwords will be subject to change as often as wanted by the user.

The more sensitive the data, the more complex will be the encryption for transmission purposes. As a minimum for confidential records maintained on-line, a data base element selection process for identifying various fields of a record, or various records in a file, will be applied.

System hardware and software shall contain mechanical controls to insure that all on-line data inquiries and machine-generated reports will contain only the information which each user is authorized to obtain.

System software shall be implemented to erase and clear automatically all media for the storage of data when purging is required.

Duplicated computer files will be created as a countermeasure for unauthorized destruction of original files and all computer tapes or discs will be secured in a safe storage area. Secondary storage will be used for backup.

For the purposes of record retention, duplicate computer files or backup files will be secured in a manner similar to the original files. In this way, record retention schedules will apply uniformly to all computerized records as well as related records in secondary or backup storage.

Data Entry. The SAC, with management control of the Central State Repository, will have the authority to require that a



specific data element which fails to satisfy the standards of accuracy or completeness will be excluded or deleted from individual record information.

Where data is submitted to the user agency data entry center on reporting forms, the responsible data entry center will establish procedures for destroying these forms or storing them in a secure environment after data is entered in the computer.

File Protect Software. Edit programs will be created by the appropriate developmental agencies to periodically audit criminal history record transactions. As SAC has the responsibility for management control of the Central State Repository, they will initiate procedures to disconnect any remote terminal whenever repeated errors indicate that tampering is taking place.

All application programs will be written, installed, and stored by the appropriate agency systems management and technical personnel. Records of these programs will be stored under maximum security conditions. No other persons, including staff and repair personnel, will be permitted to know these programs.

The concept underlying this standard is that all sensitive application programs will be prepared by a limited number of authorized criminal justice agency personnel. All activities related to these programs will be performed by these personnel only.

As discussed elsewhere in this plan, the only existing automated system containing criminal history type of data resides at the City and County of Honolulu's Data Processing Department. The only

agency having the capability of altering this file is the Honolulu Police Department. The police department has issued very specific General Orders concerning the usage of all access terminals. The applicable portion of General Order 74-6 addressing access via terminals to operational information and criminal history information is as follows:

"Access Prohibited

- A. All personnel not directly assigned to any division wherein official records and files are kept, unless otherwise authorized are prohibited access to such records and files.
- B. Personnel not duly assigned or authorized, desiring information contained in such files or records, shall make requests through the Commanding Officer of the division or such subordinates as he may designate.

Maintenance of Equipment and Security of Computer Files

With the inception of data processing into the police services, remote terminals are used in various divisions. Personnel assigned to operate these terminals will have access to the files in accordance with the following procedures:

- A. Division Commanders shall be responsible for the proper use and care of the data processing equipment installed in their respective divisions.
- B. No person shall attempt to operate the remote terminal unless he has received explicit permission from the Division Commander responsible for the security of that terminal.
- C. No person shall operate the remote terminals until he has been trained to do so.
- D. All additions, changes, and deletions in computer files shall be performed only by designated personnel within the respective divisions.
- E. All data stored within the computer is confidential and is restricted to official police use only.

F. Remote terminals shall not be used for any unofficial business.

- (1) Requests for information by private concerns for private interests shall not be granted except with the express approval of the Division Commander.
- (2) All such requests shall be referred to the department or unit responsible 'for the input of the source data.' (e.g., Registered Owner checks by an insurance company shall be referred to the Motor Vehicle Registration Bureau.)"

Upon and in conjunction with the implementation of OBTS/CCH, the SAC Director will have the responsibility to develop specific instructions of terminal use. These instructions will be given to each agency as part of the initial training and orientation in the use of the new system. This will take place concurrently with each agency coming on-line to the system.

#### Physical Security

All appropriate criminal justice agencies and the State EDP Division will adopt adequate procedures for controlling physical access to remote terminals and the computer facility by staff, maintenance personnel and visitors. These procedures may include, but not be limited to, the use of guards, keys, badges, access restrictions, clearance systems, sign-in logs, and similar controls.

Access to computer rooms and file storage areas will be guarded by locked doors and access permission issued only to authorized personnel. The control of access to the computer room will be effectively administered by the responsible computer center and kept in force on all shifts. Visitors must seek permission from the sponsitory agency before gaining access into the computer room.

Upon entry, the visitor will be given a badge to wear for identification. A log book will also be maintained for both entry and exit by visitors.

All persons having access to the rooms where hardware is kept, including the locations of the remote terminals, will be properly identified and "need to be present."

Physical security measures which store automated criminal history record information will include, but not be limited to: (1) the installation of a highly efficient gas fire protection system; (2) strict control of computer room access through locked doors; (3) implementation of storage media control procedures; (4) storage of crucial data files in a fireproof locked vault; (5) enforcement of tight security measures for teleprocessing services; and (6) establishment of backup and recovery procedures.

Operational Control. Standardized operations logs covered by procedures will be kept and be subject to supervisory review. Logs will provide operations management personnel with the major source of information about equipment downtime and recurring problems for the purpose of error analysis. Procedures will cover the submission, running, and return of programs and data. Procedures will also cover the interaction of operations personnel with the personnel involved in certain maintenance aspects of the computer. Operations procedures will cover the disposal of computer output and punched cards.

These procedures will be subject to review by the Central State Repository to insure compliance with State and Federal Privacy and Security Regulations.

Recovery and Backup. In the area of hardware recovery, a compatible backup computer will be designated either within the organization or in an outside facility to take care of essential daily processing in the event of severe computer malfunction or damage requiring extensive repairs. In the case of the Central State Repository, this will be the University of Hawaii Computer Center.

In the area of software recovery, backup copies will be maintained in a secure location for all systems and crucial applications software and key data files. Also, a current set of the more critical data files will be maintained together with a copy of computer programs and related documentation at a remote location away from the computer room.

## Section 6

### INDIVIDUAL ACCESS AND REVIEW

Every criminal justice agency in the State of Hawaii will provide for the right of access and review. Generally, this right has already been provided for, either formally by statute or general orders and policy. Under the authority of the Attorney General's Office, the State has prepared the access and review procedures for use in each criminal justice agency maintaining criminal history information. These procedures became operational on March 16, 1976. The procedures for access and review are shown in Appendix F to this plan. For the sake of expediency, they were initially instigated under the authority of the Attorney General. Thereafter, the Attorney General's Office will pursue additional legislative authority where necessary during the 1977 Legislative Session.

With the establishment of the Central State Repository and the OBTS/CCH, the procedures and mechanics of access and review will change. At that time, the complete criminal history record will be available at one location. Any procedural changes required at that time will comply with the regulations and will enhance, and make more expedient, the procedures to be implemented now.

Individuals will only be able to get parts of their complete criminal history at the various criminal justice agencies.

Because there is no Central State Repository at this time, the individual agencies will maintain only that data that falls within their jurisdictions. The Honolulu Police Department does, however, receive dispositions back from the courts.

For that reason, posters have been placed at each pertinent agency, in a conspicuous place, specifying exactly what data is available at that agency, what procedure is to be followed to get additional data from other agencies, the hours that this service is available, and any fees for the service.

Generally speaking, the data available for review will be objective, verifiable, accurate, and complete. An individual may pursue his entire formal file at the police departments. All such requests to do so must be in writing and be approved by the Officer-in-Charge of the Records and Identification Division.

The following statute addresses the availability of records for inspection within the courts and prosecuting attorney's office.

"§92-4. Public Records; available for inspection;  
cost of copies.

All public records shall be available for inspection by any person during established office hours unless public inspection of such records is in violation of any other state or federal law, provided that, except where such records are open under any rule of court, the Attorney General and the responsible attorneys of the various counties may determine which records in their offices may be withheld from public inspection when such records pertain to the preparation of the prosecution or defense of any action or proceeding, prior to its commencement, to which the State or county is or may be a party, or when such records do not relate to a matter in violation of law and are deemed necessary for the protection of the character or reputation of any person.

Certified copies of extracts from public records shall be given by the officer having the same in custody to any person demanding the same and paying or tendering twenty cents a folio of one hundred words for such copies or extracts. (L1959, c 43, §4; Supp §7A-4)"

There is no specific statute concerning access and review as it relates to corrections. As mentioned earlier in this plan, the OBSCIS Committee is in the process of developing its legislative requirements for total compliance with the Regulations. The information available for review has not been formalized or standardized by legislation, general orders, or documented departmental policies. It should be reiterated that the general policies are not standard throughout the correctional agencies but served as the foundation upon which the formal procedures were implemented prior to March 16, 1976.

Any individual wishing to review criminal history data must verify his identity. The Honolulu Police Department General Orders require the verification to be by fingerprints.

An individual should be given a document copy only when it is the intention to register a formal challenge that the document contains erroneous data and the copy is required to adequately prepare the challenge. It is the desire of the State of Hawaii and all relevant agencies to maintain the highest degree of accuracy in all files containing criminal history data. For this reason, the procedures for challenge have been designed in as simple and straightforward a manner as possible.



Each agency, as part of the certification and agreement, will specify a department within the agency responsible for conducting administrative reviews of all challenges. In the event that the challenge of erroneous data is well founded, the errors will be corrected and a list of non-criminal justice agencies or individual recipients of the erroneous data will be provided. If it is the best judgment of the challenged agency that the data is not in error, the individual will be notified of that decision. The individual has the right to appeal that decision. The Privacy Committee will be responsible for hearing all appeals.

## Section 7

### RESPONSIBILITIES OF INVOLVED AGENCIES

This section of the plan addresses the responsibilities of all agencies involved in the successful implementation of the plan. These responsibilities may be redundant with topics discussed elsewhere in the plan; however, they are repeated here for clarification.

The implementation of this plan will be a collective effort by several different agencies. Each agency will assume the appropriate position that falls within its technical charter or that it is legislatively responsible for by virtue of existing statutes. Where the responsibility is not clear, more specific legislation will be pursued by the Attorney General. In the interim and for the sake of expediency, the following responsibilities have been assigned.

#### The Attorney General's Office

The Attorney General's Office has, by virtue of existing statutes, overall responsibility for the collection of criminal history statistics. This plan addresses that authority and extends its responsibilities to encompass the following activities:

- Executive/statutory designation of responsible criminal justice agencies.
- Development and implementation of annual audits and quality control procedures to ensure compliance

with the Regulations. These audits will address the collection, storage, and dissemination of criminal history information.

- Preparation of formal agreements and notices to be entered into between disseminating and recipient agencies.
- Preparation of appropriate sanctions for non-compliance to the Regulations.
- Pursue legislation to establish a Central State Repository.

Hawaii recognizes the need to review and update all statutes related to privacy and security. Therefore, the Attorney General will conduct a complete review of existing statutes, and will prepare a comprehensive security and privacy bill, including sanctions, for consideration at the 1977 Legislative Session.

#### Statistical Analysis Center

The Statistical Analysis Center is the agency that will design, program, and implement the OBTS/CCH system. It will have managerial control over this system and therefore is in a position to assume major responsibilities for the implementation of this plan. Specifically, the Statistical Analysis Center will be responsible for the following:

- Managerial control over the Central State Repository.
- Monitoring compliance with the restrictions set out in the Regulations.
- Completion of the certification requirements by March 16, 1976.
- Provide a comprehensive analysis, prior to December 31, 1977, of the extent to which criminal history record information is disseminated to non-criminal justice agencies.
- Institute a delinquent disposition monitoring system.

### State Law Enforcement Planning Agency

As the State Planning Agency, SLEPA will be responsible for monitoring all future grants to ascertain appropriate plans for compliance with the Federal Privacy and Security Regulations.

### State Electronic Data Processing Division

The State EDP Division will serve as a service bureau for the Central State Repository. As such it will provide computer operations service and house the data bases for the pertinent application systems. The State EDP Division will provide the physical security measures presented in this plan. All programming and modifications will be the responsibility of the subject agencies. The State EDP will also be responsible to institute a personnel clearance system.

### The City and County of Honolulu Data Processing Department

The Honolulu Data Processing Department is included in this plan because it currently houses the data bases of existing criminal justice applications at the local level. Similar to the State EDP, it serves as a service bureau. All updating and changes to the files are performed by the appropriate criminal justice agencies.

### OBSCIS Policy Committee

The OBSCIS Policy Committee will be responsible for determining the operational procedural changes required for total compliance to the Regulations by correctional agencies. The Committee will communicate and coordinate these to SAC. In the case of required executive or legislative needs, the Committee will work with the Attorney General.

All Other Agencies Governed by the Regulations

All other agencies will, under the authority and direction of the Attorney General, comply with the Regulations of privacy and security. This compliance encompasses primary and secondary dissemination of criminal history information, the execution of appropriate agreements and notices relevant to dissemination, receipt, and usage of such data, and all other requirements concerning the storage and maintenance of such data. In addition, the right of access and review policy shall be implemented according to the procedures presented in this plan.

Section 8

IMPLEMENTATION MILESTONE SCHEDULE

The implementation schedule is, to a large extent, based on the results of the completed certification process. Coupled with the certifications the following important milestones have been identified and scheduled.

<u>Activity</u>	<u>Milestone Date</u>
Legislation establishing a Central State Repository	April 1, 1977
Complete legislation prepared and presented by the Attorney General's Office to institute policies and procedures for implementation of the plan to comply with the Federal Regulations	December 1, 1976
Access and Review Procedures established and implemented	March 16, 1976
Certification Process completed	March 16, 1976
Agreements and Notices developed	March 16, 1976
Sanctions for Non-Compliance established	March 16, 1976
Privacy Committee formed	December 1976
Felony Offender Computerized Update System (FOCUS) implementation started	July 1, 1976
OBTS/CCH initial programming completed	December 1977
Conduct computer utilization review (Criminal Justice Applications)	December 1, 1976
HAJIS programming completed	July 1977

The concept of maintaining dissemination and secondary dissemination logs will be instigated as part of the access and review procedures. The major milestone will be the development of the statewide OBTS/CCH system. At that time, all inquiries will be made to a single location, complete criminal histories will be available to authorized agencies, and all associated security measures will have been built into the system. (FOCUS, HAJIS, and OBTS/CCH dates are based on current schedules and subject to change should schedule or funding requirements change.)

APPENDICES



## APPENDIX A

### CERTIFICATION PROCESS

An integral part of Hawaii's State Plan to implement the Department of Justice's rules and regulations governing criminal history information is the certification statement. Hawaii's plan for accomplishing this certification will be to make use of a certification checklist form, which has been completed by each and every agency which must comply with the rules and regulations. The certification checklist form utilized meets the needs of all the agencies involved and meets all of the requirements of the rules and regulations in regards to completeness and accuracy, limits on dissemination, audits and quality control, security, and individual rights of access and review.

Initially, a cover letter explaining the ramifications of the new rules and regulations and a copy of the rules and regulations was sent to each concerned agency. Staff members of the Statistical Analysis Center followed up these initial letters by direct contact with all the agencies. This contact, whether it was in person or by telephone, was for the purpose of responding to any questions that may have arisen.

Once all remaining questions had been resolved, arrangements were made by the SAC staff to meet with appropriate representatives of the criminal justice agencies involved in order to

distribute and complete the certification checklists.

Certification checklists have been completed and submitted with this Security and Privacy Plan. The specific agencies that have been certified are listed below.

1) LAW ENFORCEMENT

Honolulu Police Department  
Maui Police Department  
Kauai Police Department  
Hawaii Police Department

2) PROSECUTION

The Attorney General's Office  
Honolulu Prosecutor's Office  
Hawaii Prosecutor's Office  
Kauai Prosecutor's Office  
Maui County Attorney

3) DEPARTMENT OF SOCIAL SERVICES AND HOUSING

Hawaii State Prison  
Kulani Honor Camp  
Olinda Honor Camp  
Kamehameha Conditional Release Center  
Conditional Release Center Administrator  
Maui Community Correctional Center  
Halawa Community Facility  
Hilo Correctional Community Facility  
Corrections Research and Statistics Bureau  
Hawaii Youth Correctional Facility, Kailua

4) STATE JUDICIARY

Administrative Director of the Courts  
First Circuit Court  
Second Circuit Court  
Third Circuit Court  
Fifth Circuit Court

First District Court  
Second District Court  
Third District Court  
Fifth District Court

Including:  
Family Courts  
Detention Home Administrator,  
Honolulu  
Maui Detention Home

5) STATISTICAL ANALYSIS CENTER

The probation function falls within, and is certified within, the judiciary.

The remainder of this appendix presents the certifications and their respective narrative:

#### Honolulu Police Department

The certification of the Honolulu Police Department (HPD) is required, as it currently is the primary dissemination point of criminal history record information in the State. Along with the manual files housed at HPD, HPD transmits criminal history record information to and from the arrest index at the Honolulu Department of Data Systems via telecommunications.

The following certification checklist provides implementation dates for those areas which do not currently comply with the regulations.

With the certification of the Honolulu Police Department, one procedure which is not currently implemented is physical protection against fire, flood, and other natural disasters for the manual files and terminals housed at HPD, with the exception of fire extinguishers. An estimated implementation date of such procedures is unknown at this time.

#### Honolulu Department of Data Systems

The certification of the Honolulu Department of Data Systems should be considered part of the Honolulu Police Department certification. This data center serves as a service bureau, and there is a criminal justice unit whose function is to respond to the

needs of the Honolulu Police Department and Prosecuting Attorney as required. All file updating and maintenance is performed by the Honolulu Police Department and the Bureau of Crime Statistics via a terminal at the Honolulu Police Department. The Honolulu Police Department determines all terminal security procedures and personnel clearance procedures.

The only agreement that this data center will have to enter into will be with the Honolulu Police Department and neighbor island police departments. This agreement is required only because the data base for an arrest index is housed there. The arrest index does contain all court dispositions which are entered into the system in a timely manner. It is the only file that contains criminal history type of data. This data, however, will no longer be necessary once the statewide OBTS/CCH becomes operational. The agreement, therefore, will be entered into in good faith immediately even though the OBTS/CCH system is scheduled for implementation well in advance of the December, 1977, deadline. These agreements have been formally drawn up by the Attorney General's Office and distributed to all pertinent agencies prior to submission of this plan.

It should be noted that the individual right of access is not applicable to this data center because, no agency or individual, with the exception of Honolulu Police Department, Bureau of Crime Statistics, and neighbor island police departments, have access to this sensitive file.

## Central State Repository

The certification for the Central State Repository is oriented towards the Statistical Analysis Center (SAC), as SAC will have the Management Control of the Central State Repository. At the writing of this plan, the State EDP Division does not process any criminal justice applications. They will, however, be certified at a later date in anticipation of eventually providing service bureau support for several criminal justice applications.

The certification of SAC, therefore, addresses those procedures that will be implemented considering the existing status quo-- that of having no automated systems at the state level.

The certification follows the logical series of events, leading, ultimately, to full compliance with the regulations and encompasses the major issues listed below:

- Obtaining statutory/executive authority for the Central State Repository.
- Responsibility of the design and development of the OBTS/CCH system, thus having complete control of software procedures designed to ascertain complete disposition reporting within ninety (90) days.
- Dissemination of agreements and appropriate notices to involved agencies.

Executive Orders are being prepared by the Office of the Attorney General for designation of criminal justice agency authority, contractual agreements/notices and sanctions, and audits and quality control.

The appropriate certification checklists appear on the following pages.

# CERTIFICATION FOR HONOLULU POLICE DEPARTMENT

## OPERATIONAL PROCEDURES

### Completeness and Accuracy

Central State Repository:

Statutory/Executive Authority

Facilities and Staff

Complete Disposition Reporting in 90 days from:

Police

Prosecutor

Trial Courts

Appellate

Probation

Correctional Institutions

Parole

Query Before Dissemination:

Notices/Agreements--Criminal Justice

Systematic Audit:

Delinquent Disposition Monitoring

Accuracy Verification

Notice of Errors

### Limits on Dissemination

Contractual Agreements/Notices and Sanctions in Effect For:

Criminal Justice Agencies

Non-Criminal Justice Agencies Granted Access by Law or Executive Order

Service Agencies Under Contract

Research Organizations

Validating Agency Right of Access

Restrictions On:

Juvenile Record Dissemination

Confirmation of Record Existence

Secondary Dissemination by Non-Criminal Justice Agencies

Dissemination Without Disposition

### Audits and Quality Control

Audit Trail:

Recreating Data Entry

Primary Dissemination Logs

Secondary Dissemination Logs

Annual Audit

	Now Implemented	Reasons For Non-Implementation			Estimated Implementation Date
		Cost	Technical	Lack of Authority	
	N/A	---	---	---	---
	N/A	---	---	---	---
	Yes	---	---	---	---
	Yes	---	---	---	---
	Yes	---	---	---	---
	* No	---	X	---	12/77
	N/A	---	---	---	---
	N/A	---	---	---	---
	N/A	---	---	---	---
	No	---	---	X	12/75
	Yes	---	---	---	---
	Yes	---	---	---	---
	Yes	---	---	---	---
	No	---	---	X	12/75
	No	---	---	X	12/75
	No	---	---	X	12/75
	No	---	---	X	12/75
	No	---	---	X	12/75
	Yes	---	---	---	---
	Yes	---	---	---	---
	No	---	---	X	12/75
	Yes	---	---	---	---
	Yes	---	---	---	---
	Yes	---	---	---	---
	N/A	---	---	---	---

\*This disposition will be entered immediately along with all other dispositions when the statewide ORTS/CCH system becomes operational--approximately December 1, 1976.



CERTIFICATION FOR  
HONOLULU DEPARTMENT OF DATA SYSTEMS

	Now Implemented	Reasons For Non-Implementation			Estimated Implementation Date
		Cost	Technical	Lack of Authority	
<u>OPERATIONAL PROCEDURES</u>					
<u>Completeness and Accuracy</u>					
Central State Repository:					
Statutory/Executive Authority	N/A				
Facilities and Staff	N/A				
Complete Disposition Reporting in 90 days from:					
Police	Yes				
Prosecutor	Yes				
Trial Courts	Yes				
Appellate Courts	N/A				
Probation	N/A				
Correctional Institutions	N/A				
Parole	N/A				
Query Before Dissemination:					
Notices/Agreements--Criminal Justice	No			X	12/75
Systematic Audit:					
Delinquent Disposition Monitoring	No			X	12/77
Accuracy Verification	No			X	12/77
Notice of Errors	No			X	12/77
<u>Limits on Dissemination</u>					
Contractual Agreements/Notices and Sanctions in Effect For:					
Criminal Justice Agencies	No			X	12/75
Non-Criminal Justice Agencies Granted Access by Law or Executive Order	No			X	12/75
Service Agencies Under Contract	No			X	12/75
Research Organizations	No			X	12/75
Validating Agency Right of Access	No			X	12/75
Restrictions On:					
Juvenile Record Dissemination	Yes				
Confirmation of Record Existence	Yes				
Secondary Dissemination by Non-Criminal Justice Agencies	No			X	12/77
Dissemination Without Disposition	N/A				
<u>Audits and Quality Control</u>					
Audit Trail:					
Recreating Data Entry	Yes				
Primary Dissemination Logs	Yes				
Secondary Dissemination Logs	N/A				
Annual Audit	N/A				



CERTIFICATION FOR  
HONOLULU DEPARTMENT OF DATA SYSTEMS (Continued)

OPERATIONAL PROCEDURES

Security

Executive/Statutory Designation of Responsible Criminal Justice Agency  
Prevention of Unauthorized Access:  
  Hardware Design  
  Software Design  
Dedicated Hardware:  
  Terminals  
  Communications Control  
  Processor  
  Storage Devices  
Criminal Justice Agency Authority:  
  Computer Operations Policy  
  Access to Work Areas  
  Selection and Supervision of Personnel  
Assignment of Administrative Responsibility:  
  Physical Security  
  Unauthorized Access  
Physical Protection Against:  
  Access to Equipment  
  Theft, Sabotage  
  Fire, Flood, Other Natural Disaster  
Employee Training Program  
Individual Right of Access  
  Rules for Access  
  Point of Review and Mechanism  
  Challenge by Individual  
  Administrative Review  
  Administrative Appeal  
  Correction/Notification of Error

Now Implemented	Reasons For Non-Implementation			Estimated Implementation Date
	Cost	Technical	Lack of Authority	
No			X	12/75
Yes				
Yes				
Yes				
No	X		X	*
No	X		X	*
No	X		X	*
No			X	*
No			X	*
No			X	*
Yes				
Yes				
Yes				
Yes				
Yes				
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				

\*See certification narrative and Section 2 of this plan.

I certify that to the maximum extent feasible action has been taken to comply with the procedures set forth in the Privacy and Security Plan of the State of HAWAII.

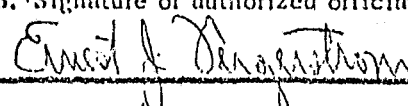
Signed *Gerald L. [Signature]*  
(Applicable Agency Head)

**CERTIFICATION FOR THE CENTRAL STATE REPOSITORY  
STATISTICAL ANALYSIS CENTER**

	Now Implemented	Reasons For Non-Implementation		Estimated Implementation Date	
		Cost	Technical		Lack of Authority
<u>OPERATIONAL PROCEDURES</u>					
<u>Completeness and Accuracy</u>					
Central State Repository:					
Statutory/Executive Authority	<u>No</u>	_____	_____	X	12/75
Facilities and Staff	<u>No</u>	_____	_____	X	12/75
Complete Disposition Reporting in 90 days from:					
Police	<u>No</u>	_____	_____	X	12/77
Prosecutor	<u>No</u>	_____	_____	X	12/77
Trial Courts	<u>No</u>	_____	_____	X	12/77
Appellate Courts	<u>No</u>	_____	_____	X	12/77
Probation	<u>No</u>	_____	_____	X	12/77
Correctional Institutions	<u>No</u>	_____	_____	X	12/77
Parole	<u>No</u>	_____	_____	X	12/77
Query Before Dissemination:					
Notices/Agreements--Criminal Justice	<u>No</u>	_____	_____	X	12/77
Systematic Audit:					
Delinquent Disposition Monitoring	<u>No</u>	_____	_____	X	12/77
Accuracy Verification	<u>No</u>	_____	_____	X	12/77
Notice of Errors	<u>No</u>	_____	_____	X	12/77
<u>Limits on Dissemination</u>					
Contractual Agreements/Notices and Sanctions in Effect For:					
Criminal Justice Agencies	<u>No</u>	_____	_____	X	12/75
Non-Criminal Justice Agencies Granted Access by Law or Executive Order	<u>No</u>	_____	_____	X	12/75
Service Agencies Under Contract	<u>No</u>	_____	_____	X	12/75
Research Organizations	<u>No</u>	_____	_____	X	12/75
Validating Agency Right of Access	<u>No</u>	_____	_____	X	12/77
Restrictions On:					
Juvenile Record Dissemination	<u>No</u>	_____	_____	X	12/77
Confirmation of Record Existence	<u>No</u>	_____	_____	X	12/77
Secondary Dissemination by Non-Criminal Justice Agencies	<u>No</u>	_____	_____	X	12/77
Dissemination Without Disposition	<u>No</u>	_____	_____	X	12/77
<u>Audits and Quality Control</u>					
Audit Trail:					
Recreating Data Entry	<u>No</u>	_____	_____	X	12/75
Primary Dissemination Logs	<u>No</u>	_____	_____	X	12/75
Secondary Dissemination Logs	<u>No</u>	_____	_____	X	12/75
Annual Audit	<u>No</u>	_____	_____	X	12/75

I certify that to the maximum extent feasible action has been taken to comply with the procedures set forth in the Privacy and Security Plan of the State of HAWAII.

Signed Johashi Titaku  
(Applicable Agency Head)

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531	INFORMATION STATEMENT (28 CFR 20.1 - 20.38)	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
NAME/ADDRESS OF SUBMITTING AGENCY  Police Department County of Hawaii Hilo, Hawaii 96720	APPLICABLE STATE  Hawaii	DATE PREPARED  2-26-76
	CONTACT NAME  David GOMBERG	TEL. NO. (Give Area Code)  808-961-2231
1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.  YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?  YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
3. Indicate the type of agency:  <input type="checkbox"/> PROSECUTION <input type="checkbox"/> PUBLIC DEFENDER <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> COURTS <input type="checkbox"/> CORRECTIONS		
4. Indicate the type of system:  <input type="checkbox"/> SUBJECT IN PROCESS <input checked="" type="checkbox"/> CRIMINAL HISTORY	5. Is the system automated?  <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> PARTIAL	
6. Does the system(s) exchange information with other systems? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If "Yes," specify which other systems:  <input type="checkbox"/> REGIONAL <input type="checkbox"/> CENTRAL STATE REPOSITORY <input checked="" type="checkbox"/> NCIC <input checked="" type="checkbox"/> OTHER (specify) <u>Inter-County</u>		
7. Indicate population of primary geographic jurisdiction being served:  <u>70,000</u>	8. Indicate approximate number of subjects included system:  <input type="checkbox"/> 0-5,000 <input checked="" type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000	
9. Name of authorized agency official  Ernest J. FERGERSTROM	10. Title  Chief of Police	
11. Agency name and address  Police Department County of Hawaii Hilo, Hawaii 96720	12. Tel. No. (Give Area Code)  808-961-2242  13. Signature of authorized official  	

UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY Police Department County of Hawaii Hilo, Hawaii 96720	APPLICABLE STATE Hawaii	DATE PREPARED 2-26-76
	CONTACT NAME David GOMBERG	TELEPHONE NO. (Give area code) 808-961-2231
TYPE OF AGENCY <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> PROSECUTOR <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> CORRECTIONAL INSTITUTION <input type="checkbox"/> PAROLE		

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional Institutions
- Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions  
in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access  
by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal  
Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
N/A				
Yes				
Yes				
Yes				
N/A				
N/A				
Yes				
No				12/77
No				12/77
No				3/16/76
No				3/16/76
No				3/16/76
No				3/16/76
Yes				
Yes				
No				12/77
Yes				
No				12/77
No				12/77
No				12/77

# OPERATIONAL PROCEDURES

## \*Security

Executive/Statutory Designation of Responsible  
Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals.

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by individual

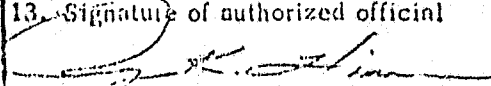
Administrative Review

Administrative Appeal

Correction/Notification of Error

NOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			
	COST	TECHNICAL	LACK OF AUTHORITY	ESTIMATED IMPLEMENTATION DATE
N/A				
N/A				
N/A				
No				12/77.
N/A				
N/A				
N/A				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
No				5/1/76
No				3/16/76
No				
No				
No				
No				
No				

REMARKS

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531	INFORMATION STATEMENT (28 CFR 20.1 - 20.38)	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
NAME/ADDRESS OF SUBMITTING AGENCY  Police Department County of Kauai 3060 Uni Street Lihue, Hawaii 96766	APPLICABLE STATE  Hawaii	DATE PREPARED  Feb. 25, 1976
	CONTACT NAME  Raymond P. Duvauchelle	TEL. NO. (Give Area Code)  245-6721
<p>1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.</p> <p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p>		
<p>2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?</p> <p style="text-align: center;">YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>		
<p>3. Indicate the type of agency:</p> <p><input type="checkbox"/> PROSECUTION      <input type="checkbox"/> PUBLIC DEFENDER      <input checked="" type="checkbox"/> POLICE</p> <p><input type="checkbox"/> COURTS      <input type="checkbox"/> CORRECTIONS</p>		
<p>4. Indicate the type of system:</p> <p><input type="checkbox"/> SUBJECT IN PROCESS      <input checked="" type="checkbox"/> CRIMINAL HISTORY</p>	<p>5. Is the system automated?</p> <p><input type="checkbox"/> YES      <input checked="" type="checkbox"/> NO      <input type="checkbox"/> PARTIAL</p>	
<p>6. Does the system(s) exchange information with other systems? <input checked="" type="checkbox"/> YES      <input type="checkbox"/> NO</p> <p>if "Yes," specify which other systems:</p> <p><input checked="" type="checkbox"/> REGIONAL      <input type="checkbox"/> CENTRAL STATE REPOSITORY      <input type="checkbox"/> NCIC      <input type="checkbox"/> OTHER (specify) _____</p>		
<p>7. Indicate population of primary geographic jurisdiction being served:</p> <p>_____ 32,000 _____</p>	<p>8. Indicate approximate number of subjects included system:</p> <p><input checked="" type="checkbox"/> 0-5,000      <input type="checkbox"/> 5,000-25,000      <input type="checkbox"/> 25,000-100,000</p> <p><input type="checkbox"/> 100,000-500,000      <input type="checkbox"/> MORE THAN 500,000</p>	
<p>9. Name of authorized agency official</p> <p>Roy K. Hiram</p>	<p>10. Title</p> <p>Chief of Police</p>	
<p>11. Agency name and address</p> <p>Kauai Police Department 3060 Uni Street Lihue, Hawaii</p>	<p>12. Tel. No. (Give Area Code)</p> <p>(808) 245-6721</p>	
	<p>13. Signature of authorized official</p> <p></p>	

UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY  Police Department County of Kauai 3060 Umi Street Lihue, Hawaii 96766	APPLICABLE STATE  Hawaii	DATE PREPARED  Feb. 25, 1976
	CONTACT NAME  Raymond P. Duvauchelle	TELEPHONE NO. (Give area code)  245-6721
TYPE OF AGENCY <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> PROSECUTOR <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> CORRECTIONAL INSTITUTION <input type="checkbox"/> PAROLE		

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional Institutions
- Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

· Contractual Agreements, Notices and Sanctions in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
N/A				
yes				
yes				
yes				
yes				
no				12/77
yes				
no				12/77
no				12/77
no				3/16/76
no				3/16/76
no				3/16/76
no				3/16/76
yes				
yes				
no				12/77
yes				
no				12/77
no				12/77
no				12/77

# OPERATIONAL PROCEDURES

## \*Security

Executive/Statutory Designation of Responsible  
Criminal Justice Agency

Prevention of Unauthorized Access:  
Hardware Design  
Software Design

Dedicated Hardware:

Terminals  
Communications Control  
Processor  
Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy  
Access to Work Areas  
Selection and Supervision of Personnel

Assignment of Administrative Responsibility

Physical Security  
Unauthorized Access

Physical Protection Against:

Access to Equipment  
Theft, Sabotage  
Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access  
Point of Review and Mechanism  
Challenge by Individual  
Administrative Review  
Administrative Appeal  
Correction/Notification of Error

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
N/A				
N/A				
N/A				
yes				
N/A				
N/A				
N/A				
yes				
yes				
yes				
yes				
yes				
yes				
no				12/77
no				12/77
yes				
yes				
yes				
yes				
yes				
yes				

REMARKS



U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531	INFORMATION STATEMENT (28 CFR 20.1 - 20.33)	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
--	---	---

NAME/ADDRESS OF SUBMITTING AGENCY  MAUI COUNTY POLICE DEPARTMENT	APPLICABLE STATE  HAWAII	DATE PREPARED  2/27/76
	CONTACT NAME  CAPT. T. ONAGA	TEL. NO. (Give Area Code)  244-7828

1. Does your agency "collect, store, or disseminate criminal history record information processed by buffer manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.

YES  NO

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES  NO

3. Indicate the type of agency:

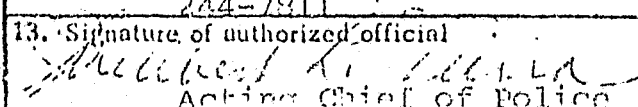
PROSECUTION       PUBLIC DEFENDER       POLICE  
 COURT       CORRECTIONS

4. Indicate the type of system:  <input type="checkbox"/> SUBJECT IN PROCESS <input checked="" type="checkbox"/> CRIMINAL HISTORY	5. Is the system automated?  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL
---	---

6. Does the system(s) exchange information with other systems?  YES  NO  
 If "Yes," specify which other systems:

REGIONAL     CENTRAL STATE REPOSITORY     NCIC     OTHER(specify) \_\_\_\_\_

7. Indicate population of primary geographic jurisdiction being served:  _____ 59,000 _____	8. Indicate approximate number of subjects included system:  <input checked="" type="checkbox"/> 0-5,000 <input type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000
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9. Name of authorized agency official  Chief Abraham Aiona	10. Title  Chief of Police
11. Agency name and address Maui County Police Department Wailuku, Maui	12. Tel. No. (Give Area Code)  244-7811
13. Signature of authorized official  Acting Chief of Police	

UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY  MAUI COUNTY POLICE DEPARTMENT	APPLICABLE STATE  HAWAII	DATE PREPARED  2/27/76
	CONTACT NAME  CAPT. T. ONAGA	TELEPHONE NO. (Give area code)  244-7828

TYPE OF AGENCY

POLICE     PROSECUTOR     COURT     PROBATION     CORRECTIONAL INSTITUTION     PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION		ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL LACK OF AUTHORITY	

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional Institutions
- Parole

Yes			
Yes			
No			Dec 1977
No			" "
Yes			" "

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

No			Dec 1977
No			" "

Limits on Dissemination

Contractual Agreements, Notices and Sanctions in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

No			Mar 16, 1976
No			" " "
No			" " "
No			" " "

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal Justice Agencies
- Dissemination Without Disposition

Yes			
Yes			
No			Dec 1977
Yes			

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

Yes			
Yes			
No			Dec 1977

**OPERATIONAL PROCEDURES**

**\* Security**

Executive/Statutory Designation of Responsible  
Criminal Justice Agency

Prevention of Unauthorized Access:  
Hardware Design  
Software Design

Dedicated Hardware:

Terminals  
Communications Control  
Processor  
Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy  
Access to Work Areas  
Selection and Supervision of Personnel

Assignment of Administrative Responsibility  
Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment  
Theft, Sabotage  
Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access  
Point of Review and Mechanism  
Challenge by Individual  
Administrative Review  
Administrative Appeal  
Correction/Notification of Error

NOW IMPLEMENTED	CHECK MARKS			DATES
	REASON FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
Yes				
Yes				
No			X	12/77
Yes				
Yes				
Yes				
Yes				
No		X		12/77
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				

REMARKS

NAME/ADDRESS OF SUBMITTING AGENCY  Department of the Prosecuting Attorney City and County of Honolulu 1164 Bishop Street Honolulu, Hawaii 96813	APPLICABLE STATE  Hawaii	DATE PREPARED  March 4, 1976
	CONTACT NAME  Togo Nakagawa	TEL. NO. (Give Area Code)  808-5234513

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.

YES  NO

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES  NO

3. Indicate the type of agency:

PROSECUTION       PUBLIC DEFENDER       POLICE  
 COURTS       CORRECTIONS

4. Indicate the type of system:

SUBJECT IN PROCESS     CRIMINAL HISTORY

5. Is the system automated?

YES       NO       PARTIAL

6. Does the system(s) exchange information with other systems?  YES  NO  
If "Yes," specify which other systems:

REGIONAL     CENTRAL STATE REPOSITORY     NCIC     OTHER (specify) \_\_\_\_\_

7. Indicate population of primary geographic jurisdiction being served:

700,000

8. Indicate approximate number of subjects included system:

0-5,000       5,000-25,000       25,000-100,000  
 100,000-500,000       MORE THAN 500,000

9. Name of authorized agency official  
Maurice Sapienza

10. Title  
Prosecuting Attorney

11. Agency name and address  
Dept. of the Prosecuting Attorney  
City and County of Honolulu  
1164 Bishop Street  
Honolulu, Hawaii 96813

12. Tel. No. (Give Area Code)  
808-5234249

13. Signature of authorized official  
*Maurice Sapienza*

UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY Dept. of the Prosecuting Attorney City and County of Honolulu 1164 Bishop Street Honolulu, Hawaii 96813	APPLICABLE STATE Hawaii	DATE PREPARED March 4, 1976
	CONTACT NAME Togo Nakagawa	TELEPHONE NO. (Give area code) 808-5234513

TYPE OF AGENCY

POLICE     PROSECUTOR     COURT     PROBATION     CORRECTIONAL INSTITUTION     PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional Institutions
- Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions  
in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access  
by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal  
Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
NA				
NA				
Yes				
Yes				
Yes				
NA				
NA				
Yes				
Yes				
Yes				
Yes				
Yes				
NA				
NA				
Yes				
No				Dec. 1977
No				Dec. 1977

**OPERATIONAL PROCEDURES**

**\* Security**

Executive/Statutory Designation of Responsible

Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

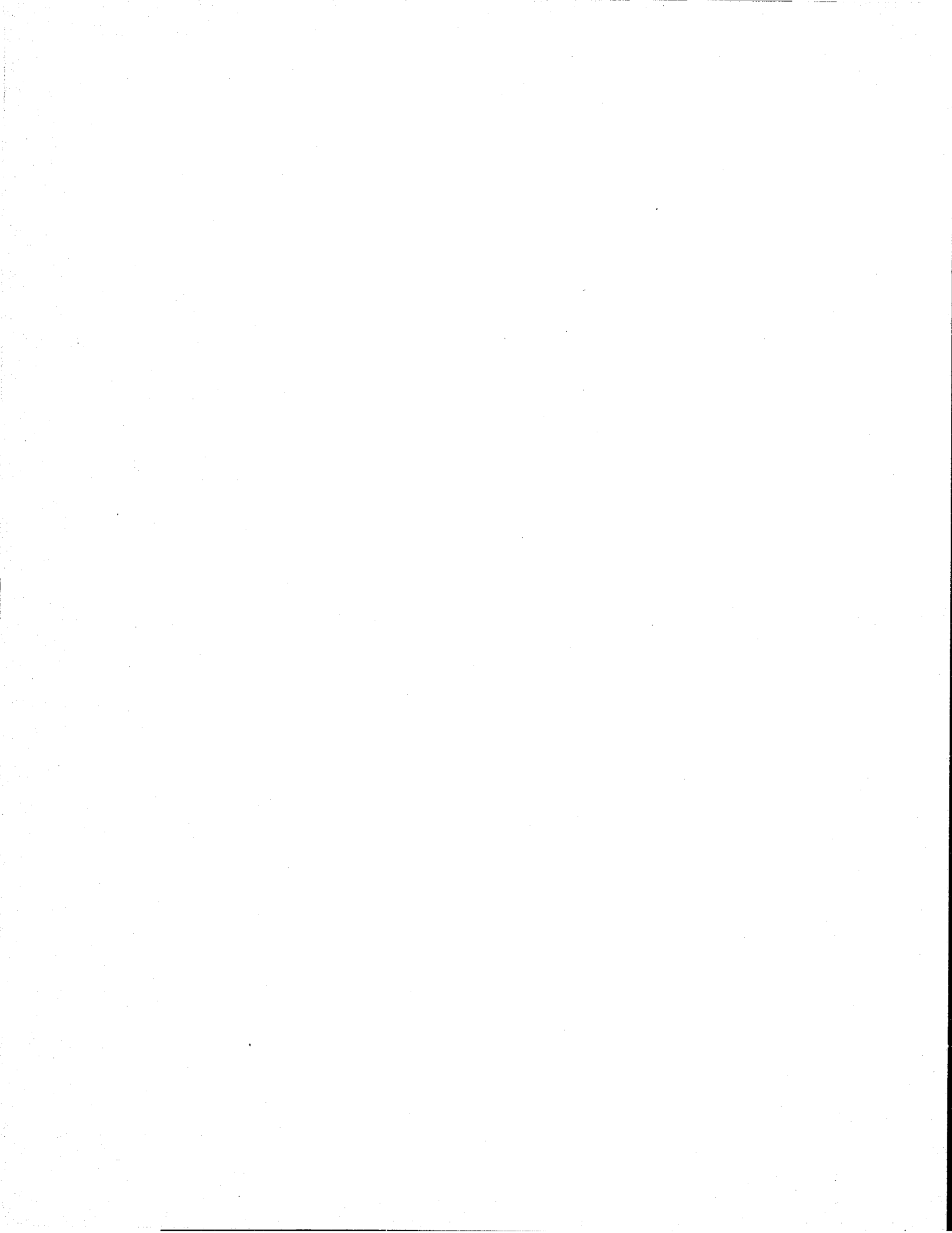
Administrative Review

Administrative Appeal

Correction/Notification of Error

HOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
NA				
Yes				
Yes				
Yes				
NA				
NA				
NA				
Yes				
No				Dec. 1977
Yes				
Yes				
Yes				
Yes				
No				Dec. 1977
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				

REMARKS



**CONTINUED**

**1 OF 2**



U. S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE INFORMATION AND  
STATISTICS SERVICE  
WASHINGTON, D. C. 20531

INFORMATION  
STATEMENT

(28 CFR 20.1 - 20.38)

## INSTRUCTIONS

Please provide the following information, complete the attached certification form and return all parts to the address at the left.

## NAME/ADDRESS OF SUBMITTING AGENCY

Office of the Prosecuting Attorney  
25 Aupuni Street  
Hilo, HI 96720

## APPLICABLE STATE

Hawaii

## DATE PREPARED

February 26, 1976

## CONTACT NAME

Paul M. de Silva

## TEL. NO. (Give Area Code)

(808) 961-8246

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.

YES NO 

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES NO 

3. Indicate the type of agency:

 PROSECUTION PUBLIC DEFENDER POLICE COURTS CORRECTIONS

4. Indicate the type of system:

 SUBJECT IN PROCESS  CRIMINAL HISTORY

5. Is the system automated?

 YES NO PARTIAL

6. Does the system(s) exchange information with other systems?  YES  NO

If "Yes," specify which other systems:

 REGIONAL  CENTRAL STATE REPOSITORY  NCIC  OTHER(specify) \_\_\_\_\_

7. Indicate population of primary geographic jurisdiction being served:

70,000

8. Indicate approximate number of subjects included system:

 0-5,000 5,000-25,000 25,000-100,000 100,000-500,000 MORE THAN 500,000

9. Name of authorized agency official

Paul M. de Silva

10. Title

Prosecuting Attorney

11. Agency name and address  
Office of the Prosecuting Attorney  
County of Hawaii  
25 Aupuni St.  
Hilo, HI 96720

12. Tel. No. (Give Area Code)

(808) 961-8246

13. Signature of authorized official

Paul M. de Silva

UNITED STATES DEPARTMENT OF JUSTICE  
 Law Enforcement Assistance Administration  
 National Criminal Justice Information and  
 Statistics Service  
 Washington, D.C. 20531

CERTIFICATION FOR  
 AGENCY SYSTEMS OTHER THAN  
 THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY  
 Office of the Prosecuting Attorney  
 County of Hawaii  
 25 Aupuni St.  
 Hilo, HI 96720

APPLICABLE STATE  
 Hawaii

DATE PREPARED  
 February 26, 1976

CONTACT NAME  
 Paul M. de Silva

TELEPHONE NO. (Give area code)  
 (808) 961-8246

TYPE OF AGENCY  
 POLICE     PROSECUTOR     COURT     PROBATION     CORRECTIONAL INSTITUTION     PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

- Complete Disposition Reporting from:
- Police
  - Prosecutor
  - Trial Courts
  - Appellate Courts
  - Probation
  - Correctional Institutions
  - Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

- Contractual Agreements, Notices and Sanctions in Effect for:
- Criminal Justice Agencies
  - Non-Criminal Justice Agencies Granted Access by Law or Executive Order
  - Service Agencies Under Contract
  - Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

- Audit Trail:
- Recreating Data Entry
  - Primary Dissemination Logs
  - Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
yes				
n/a				
yes				
yes				
n/a				
no		X		12/77
no		X		12/77
no			X	12/77
no			X	12/77
no				3/16/76
no				3/16/76
no				3/16/76
no				3/16/76
yes				
yes				
no				12/77
yes				
no				12/77
no				12/77
no				12/77

# OPERATIONAL PROCEDURES

## \* Security

Executive/Statutory Designation of Responsible  
Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

HOW IMPLEMENTED	CHECK MARKS			DATE
	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LEGAL AUTHORITY	
n/a				
n/a				
n/a				
n/a				
n/a				
n/a				
n/a				
n/a				
n/a				
yes				
yes				
n/a				
yes				
yes				
no		X		
no				
no				
no				
no				
no				

REMARKS

U. S. DEPARTMENT OF JUSTICE  
 LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
 NATIONAL CRIMINAL JUSTICE INFORMATION AND  
 STATISTICS SERVICE  
 WASHINGTON, D. C. 20531

INFORMATION STATEMENT

(28 CFR 20.1 - 20.38)

INSTRUCTIONS

Please provide the following information, complete the attached certification form, and return all parts to the address at the left.

NAME/ADDRESS OF SUBMITTING AGENCY Office of the Prosecuting Attorney 3016 Umi Street Lihue, Kauai, Hawaii 96766	APPLICABLE STATE Hawaii.	DATE PREPARED 2/25/76
	CONTACT NAME Gerald Matsunaga	TEL. NO. (Give Area Code) (808) 245-3955

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.

YES  NO

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES  NO

3. Indicate the type of agency:

PROSECUTION       PUBLIC DEFENDER       POLICE  
 COURTS       CORRECTIONS

4. Indicate the type of system:

SUBJECT IN PROCESS       CRIMINAL HISTORY

5. Is the system automated?

YES       NO       PARTIAL

5. Does the system(s) exchange information with other systems?  YES  NO

If "Yes," specify which other systems:

REGIONAL       CENTRAL STATE REPOSITORY       NCIC       OTHER (specify) \_\_\_\_\_

7. Indicate population of primary geographic jurisdiction being served:

32,000

8. Indicate approximate number of subjects included system:

0-5,000       5,000-25,000       25,000-100,000  
 100,000-500,000       MORE THAN 500,000

9. Name of authorized agency official  
Gerald S. Matsunaga

10. Title  
Prosecuting Attorney

11. Agency name and address  
Office of the Prosecuting Attorney  
3016 Umi Street  
Lihue, Kauai, Hawaii 96766

12. Tel. No. (give Area Code)  
(808) 245-3955

13. Signature of authorized official  
*Gerald S. Matsunaga*

UNITED STATES DEPARTMENT OF JUSTICE  
Low Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY Office of the Prosecuting Attorney 3016 Umi Street Lihue, Kauai, Hawaii 96766	APPLICABLE STATE Hawaii	DATE PREPARED 2/25/76
	CONTACT NAME Gerald S. Matsunaga	TELEPHONE NO. (Give area code) (808) 245-3955

TYPE OF AGENCY

POLICE     PROSECUTOR     COURT     PROBATION     CORRECTIONAL INSTITUTION     PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

Police

yes

Prosecutor

N/A

Trial Courts

yes

Appellate Courts

N/A

Probation

yes

Correctional Institutions

no

12/77

Parole

no

12/77

Systematic Audit:

Delinquent Disposition Monitoring

no

12/77

Accuracy Verification

no

12/77

Limits on Dissemination

Contractual Agreements, Notices and Sanctions  
in Effect for:

Criminal Justice Agencies

no

3/16/76

Non-Criminal Justice Agencies Granted Access  
by Law or Executive Order

no

3/16/76

Service Agencies Under Contract

no

3/16/76

Research Organizations

no

3/16/76

Validating Agency Right of Access Restrictions On:

Juvenile Record Dissemination

yes

Confirmation of Record Existence

yes

Secondary Dissemination by Non-Criminal

Justice Agencies

yes

Dissemination Without Disposition

yes

Audits and Quality Control

Audit Trail:

Recreating Data Entry

no

12/77

Primary Dissemination Logs

no

12/77

Secondary Dissemination Logs

no

12/77

### OPERATIONAL PROCEDURES

**\* Security**

Executive/Statutory Designation of Responsible  
Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

NOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			
	COST	TECHNICAL	LACK OF AUTHORITY	ESTIMATED IMPLEMENTATION DATE
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
yes				
yes				
no				
no				
no				
no				
no				
no				
no				
no				
no				
no				

REMARKS

U. S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE INFORMATION AND  
STATISTICS SERVICE  
WASHINGTON, D. C. 20531

INFORMATION  
STATEMENT  
(28 CFR 20.1 - 20.38)

INSTRUCTIONS  
Please provide the following information,  
complete the attached certification form  
and return all parts to the address at  
the left.

NAME/ADDRESS OF SUBMITTING AGENCY  Office of the County Attorney County of Maui Wailuku, Maui, Hawaii 96793	APPLICABLE STATE  Hawaii	DATE PREPARED  27 Feb. 1976
	CONTACT NAME  Arthur T. Ueoka	TEL. NO. (Give Area Code)  (808) 244-7740

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.

YES  NO

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?

YES  NO

3. Indicate the type of agency:

PROSECUTION       PUBLIC DEFENDER       POLICE  
 COURTS       CORRECTIONS

4. Indicate the type of system:  <input checked="" type="checkbox"/> SUBJECT IN PROCESS <input type="checkbox"/> CRIMINAL HISTORY	5. Is the system automated?  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL
---	---

6. Does the system(s) exchange information with other systems?  YES  NO  
If "Yes," specify which other systems:  
 REGIONAL     CENTRAL STATE REPOSITORY     NCIC     OTHER(specify) \_\_\_\_\_

7. Indicate population of primary geographic jurisdiction being served:  59,000	8. Indicate approximate number of subjects included system: <input checked="" type="checkbox"/> 0-5,000 <input type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000
---	---

9. Name of authorized agency official  Arthur T. Ueoka	10. Title  County Attorney
--	----------------------------------

11. Agency name and address Office of the County Attorney 200 South High Street Wailuku, Maui, Hawaii 96793	12. Tel. No. (Give Area Code)  (808) 244-7740
	13. Signature of authorized official  <i>Arthur T. Ueoka</i>

UNITED STATES DEPARTMENT OF JUSTICE  
 Law Enforcement Assistance Administration  
 National Criminal Justice Information and  
 Statistics Service  
 Washington, D.C. 20531

CERTIFICATION FOR  
 AGENCY SYSTEMS OTHER THAN  
 THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY  Office of the County Attorney County of Maui Wailuku, Maui, Hawaii 96793	APPLICABLE STATE  Hawaii	DATE PREPARED  27 Feb. 1976
	CONTACT NAME  Arthur T. Ueoka	TELEPHONE NO. (Give area code)  (808) 244-7740

TYPE OF AGENCY

POLICE       PROSECUTOR       COURT       PROBATION       CORRECTIONAL INSTITUTION       PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional institutions
- Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
Yes				
N/A				
Yes				
N/A				
Yes				
N/A				
Yes				
Yes				
No				3/16/76
No				3/16/76
No				3/16/76
No				3/16/76
Yes				
N/A				
N/A				
N/A				
No				2/19/77
No				2/19/77
No				2/19/77



# OPERATIONAL PROCEDURES

## \* Security

Executive/Statutory Designation of Responsible

Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

NOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
Yes				
Yes				
Yes				
Yes				
No				
No				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				

REMARKS

U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531	INFORMATION STATEMENT (28 CFR 20.1 - 20.38)	INSTRUCTIONS Please provide the following information, complete the attached certification form and return all parts to the address at the left.
NAME/ADDRESS OF SUBMITTING AGENCY  <i>Department of Social Services and Housing          1390 Miller Street          Honolulu, Hawaii 96816</i>	APPLICABLE STATE  HAWAII	DATE PREPARED  9/11/76
	CONTACT NAME  Masaru Oshiro	TEL. NO. (Give Area Code)  808-548-5903
1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.  YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?  YES <input type="checkbox"/> NO <input type="checkbox"/>		
3. Indicate the type of agency:  <input type="checkbox"/> PROSECUTION <input type="checkbox"/> PUBLIC DEFENDER <input type="checkbox"/> POLICE <input type="checkbox"/> COURTS <input checked="" type="checkbox"/> CORRECTIONS, Parole, Corrections Research & Statistics Bureau		
4. Indicate the type of system:  <input checked="" type="checkbox"/> SUBJECT IN PROCESS <input checked="" type="checkbox"/> CRIMINAL HISTORY	5. Is the system automated?  <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> PARTIAL Currently, not completely operational	
6. Does the system(s) exchange information with other systems? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Plan to exchange info. with Uniform Parole REports and National Prisoner Statistics If "Yes," specify which other systems:  <input type="checkbox"/> REGIONAL <input type="checkbox"/> CENTRAL STATE REPOSITORY <input type="checkbox"/> NCIC <input type="checkbox"/> OTHER(specify) _____		
7. Indicate population of primary geographic jurisdiction being served:  <u>846,900 (1974 Resident Population)</u>	8. Indicate approximate number of subjects included system:  <input type="checkbox"/> 0-5,000 <input type="checkbox"/> 5,000-25,000 <input type="checkbox"/> 25,000-100,000 <input type="checkbox"/> 100,000-500,000 <input type="checkbox"/> MORE THAN 500,000	
9. Name of authorized agency official  <i>Andrew I.T. Chang</i>	10. Title  <i>Director, Department of Social Services &amp; Housing</i>	
11. Agency name and address  <i>Department of Social Services &amp; Housing          1390 Miller Street          Honolulu, Hawaii 96816</i>	12. Tel. No. (give Area Code)  808-548-6260	
	13. Signature of authorized official  <i>Andrew I.T. Chang</i>	

UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY  Department of Social Services, & Housing 1390 Miller Street Honolulu, Hawaii 96816	APPLICABLE STATE  HAWAII	DATE PREPARED  9/11/76
	CONTACT NAME  Masaru Oshiro	TELEPHONE NO. (Give area code)  808-548-5903

TYPE OF AGENCY

POLICE     PROSECUTOR     COURT     PROBATION     CORRECTIONAL INSTITUTION     PAROLE

*✓* Corrections Res. & Stats.

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

- Complete Disposition Reporting from:
- Police
  - Prosecutor
  - Trial Courts
  - Appellate Courts
  - Probation
  - Correctional Institutions
  - Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

- Contractual Agreements, Notices and Sanctions in Effect for:
- Criminal Justice Agencies
  - Non-Criminal Justice Agencies Granted Access by Law or Executive Order
  - Service Agencies Under Contract
  - Research Organizations
- Validating Agency Right of Access Restrictions On:
- Juvenile Record Dissemination
  - Confirmation of Record Existence
  - Secondary Dissemination by Non-Criminal Justice Agencies
  - Dissemination Without Disposition

Audits and Quality Control

- Audit Trail:
- Recreating Data Entry
  - Primary Dissemination Logs
  - Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
N.A.				
N.A.				
N.A.				
N.A.				
Yes				
Yes				
No		X		12/77
No		X		12/77
No			X	3/16/76
No	X	X		12/77
No				3/16/76
No		X		12/77

**OPERATIONAL PROCEDURES**

**\* Security**

Executive/Statutory Designation of Responsible  
Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

HOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			
	COST	TECHNICAL	LACK OF AUTHORITY	ESTIMATED IMPLEMENTATION DATE
N.A.			X	
N.A.			X	
	X	X		12/77
No	X	X	X	12/79
No	X	X	X	12/79
No	X	X	X	12/79
No	X	X	X	12/79
N.A.				
No			X	12/76
No			X	12/76
No				12/76
No				12/76
N.A.				
No	X			12/76
No	X			12/76
No	X		X	12/76
3/16/76				
3/16/76				
3/16/76				
3/16/76				
3/16/76				
3/16/7-				

**REMARKS**

The Department's Corrections Research and Statistics Bureau is currently implementing the Felony Offender Computerized Update System (FOCUS) for corrections and parole. Policies and procedures will be established by December 1977 for (FOCUS) in order to comply with the Department of Justice Rules and Regulations on Privacy and Security.

<p>U. S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE WASHINGTON, D. C. 20531</p>	<p>INFORMATION STATEMENT  (20 CFR 20.1 - 20.38)</p>	<p>INSTRUCTIONS  Please provide the following information, complete the attached certification form, and return all parts to the address at the left.</p>
<p>NAME/ADDRESS OF SUBMITTING AGENCY  <i>Intake Services Center</i></p>	<p>APPLICABLE STATE  <i>Hawaii</i></p>	<p>DATE PREPARED  <i>3/11/76</i></p>
		<p>CONTACT NAME  <i>Wayne Kanagawa</i></p>
		<p>TEL. NO. (Give Area Code)  <i>808-548-2531</i></p>
<p>1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.</p> <p style="text-align: right;"> <input type="checkbox"/> YES                      <input checked="" type="checkbox"/> NO                      <i>Not at this time. The Oahu ISC is scheduled for operation in July '78</i> </p>		
<p>2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?</p> <p style="text-align: right;"> <input type="checkbox"/> YES                      <input type="checkbox"/> NO                      <i>/X/ LEAA funds are currently being used in the planning phases of systems development</i> </p>		
<p>3. Indicate the type of agency:</p> <p> <input type="checkbox"/> PROSECUTION                      <input type="checkbox"/> PUBLIC DEFENDER                      <input type="checkbox"/> POLICE  <input type="checkbox"/> COURTS                                      <input type="checkbox"/> CORRECTIONS                      <i>/X/ Intake Services Center will be processing individuals after point of arrest.</i> </p>		
<p>4. Indicate the type of system:</p> <p> <input checked="" type="checkbox"/> <i>Planned</i> SUBJECT IN PROCESS                      <input checked="" type="checkbox"/> <i>Partial</i> CRIMINAL HISTORY  <input type="checkbox"/> <i>Planned</i> SUBJECT IN PROCESS                      <input type="checkbox"/> CRIMINAL HISTORY                 </p>	<p>5. Is the system automated?</p> <p style="text-align: right;"> <input type="checkbox"/> YES                      <input checked="" type="checkbox"/> NO                      <input type="checkbox"/> PARTIAL  <i>In planning phase</i> </p>	
<p>6. Does the system(s) exchange information with other systems? <input type="checkbox"/> YES                      <input checked="" type="checkbox"/> NO <i>(Will in the future)</i></p> <p>If "Yes," specify which other systems:</p> <p> <input type="checkbox"/> REGIONAL                      <input type="checkbox"/> CENTRAL STATE REPOSITORY                      <input type="checkbox"/> NCIC                      <input type="checkbox"/> OTHER(specify) _____                 </p>		
<p>7. Indicate population of primary geographic jurisdiction being served:</p> <p><u><i>846,900 (1974 Resident Population)</i></u></p>	<p>8. Indicate approximate number of subjects included system:</p> <p style="text-align: right;"> <input type="checkbox"/> 0-5,000                      <input checked="" type="checkbox"/> 5,000-25,000                      <input type="checkbox"/> 25,000-100,000  <input type="checkbox"/> 100,000-500,000                      <input type="checkbox"/> MORE THAN 500,000                 </p>	
<p>9. Name of authorized agency official</p> <p><i>Wayne Kanagawa</i></p>	<p>10. Title</p> <p><i>Oahu Intake Services Center Director</i></p>	
<p>11. Agency name and address <i>(Temporary)</i></p> <p><i>Intake Services Center Honolulu, Hawaii 96813</i></p>	<p>12. Tel. No. (Give Area Code)</p> <p><i>808-548-2531</i></p>	
		<p>13. Signature of authorized official</p> <p><i>Wayne Kanagawa</i></p>

UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY  <i>Intake Services Center, Oahu Honolulu, Hawaii 69813</i>	APPLICABLE STATE  <i>Hawaii</i>	DATE PREPARED  <i>3/11/76</i>
	CONTACT NAME  <i>Wayne Kanegawa</i>	TELEPHONE NO. (Give area code)  <i>808-548-2531</i>

TYPE OF AGENCY

POLICE     PROSECUTOR     COURT     PROBATION     CORRECTIONAL INSTITUTION     PAROLE

*/X/ Intake Services Center (pretrial, presentence, sentenced offenders)*

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional Institutions
- Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
N.A.				
N.A.				
N.A.	✓			
N.A.	✓			
N.A.	✓			
* Yes				
* Yes				
No	✓	✓		7/78
No	✓	✓		7/78
No			✓	7/78
No				
No				
No				
No				
No			✓	
No		✓		7/78
No		✓		
No		✓		







UNITED STATES DEPARTMENT OF JUSTICE  
Law Enforcement Assistance Administration  
National Criminal Justice Information and  
Statistics Service  
Washington, D.C. 20531

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY Bureau of Crime Statistics and Identification Department of Attorney General Kanaina Bldg., Iolani Palace Grounds Honolulu, Hawaii 96813	APPLICABLE STATE Hawaii	DATE PREPARED
	CONTACT NAME Ernest T. Yonamine	TELEPHONE NO. (Give area code) (808) 548-2692

TYPE OF AGENCY: Attorney General, ECSI

POLICE   
  PROSECUTOR   
  COURT   
  PROBATION   
  CORRECTIONAL INSTITUTION   
  PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

- Complete Disposition Reporting from:
- Police
  - Prosecutor
  - Trial Courts
  - Appellate Courts
  - Probation
  - Correctional Institutions
  - Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

- Contractual Agreements, Notices and Sanctions in Effect for:
  - Criminal Justice Agencies
  - Non-Criminal Justice Agencies Granted Access by Law or Executive Order
  - Service Agencies Under Contract
  - Research Organizations
- Validating Agency Right of Access Restrictions On:
  - Juvenile Record Dissemination
  - Confirmation of Record Existence
  - Secondary Dissemination by Non-Criminal Justice Agencies
  - Dissemination Without Disposition

Audits and Quality Control

- Audit Trail:
- Recreating Data Entry
  - Primary Dissemination Logs
  - Secondary Dissemination Logs

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
Yes				
Yes				
Yes				
No				12/77
Yes				
Yes				
Yes				
Yes				
Yes				
No				3/76
No				3/76
No				3/76
No				3/76
N/A				
Yes				
No			X	12/77
Yes				
Yes				
es				
Yes				

**OPERATIONAL PROCEDURES**

**\* Security**

Executive/Statutory Designation of Responsible Criminal Justice Agency

Prevention of Unauthorized Access:

Hardware Design

Software Design

Dedicated Hardware:

Terminals

Communications Control

Processor

Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy

Access to Work Areas

Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security

Unauthorized Access

Physical Protection Against:

Access to Equipment

Theft, Sabotage

Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access

Point of Review and Mechanism

Challenge by Individual

Administrative Review

Administrative Appeal

Correction/Notification of Error

HOW IMPLEMENTED	CHECK MARKS			DATES
	COST	TECHNICAL	TO ADDS FOR NON-IMP. IMPLEMENTATION CHECK OF AUTHORITY	ESTIMATED IMPLEMENTATION DATE
Yes				
N/A				
N/A				
Yes				
N/A				
N/A				
N/A				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				

**REMARKS**

HPD CCH system is shared by BCSI. One terminal operated by BCSI is capable of input, retrieve and correct criminal history and identification data received from Hawaii, Maui and Kauai police departments.

U. S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE INFORMATION AND  
STATISTICS SERVICE  
WASHINGTON, D. C. 20531

INFORMATION  
STATEMENT  
(28 CFR 20.1 - 20.30)

INSTRUCTIONS  
Please provide the following information  
complete the attached certification form  
and return all parts to the address at  
the left.

NAME/ADDRESS OF SUBMITTING AGENCY  
  
THE JUDICIARY  
P. O. BOX 2560  
HONOLULU, HAWAII 96804

APPLICABLE STATE  
  
Hawaii

DATE PREPARED  
  
March 3, 1976

CONTACT NAME

TEL. NO. (Give Area Code)  
  
(808) 548-4605

1. Does your agency "collect, store, or disseminate criminal history record information processed by either manual or automated operations?" "Criminal history record information" means information collected by criminal justice agencies on individuals which consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, 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.  
  
YES  NO

2. If the answer above was "Yes," have LEAA funds been made available to the agency subsequent to July 1, 1973 for the collection, storage or dissemination of information?  
  
YES  NO

3. Indicate the type of agency:  
  
 PROSECUTION       PUBLIC DEFENDER       POLICE  
 COURTS       CORRECTIONS

4. Indicate the type of system:  
  
 SUBJECT IN PROCESS     CRIMINAL HISTORY

5. Is the system automated?  
  
 YES       NO       PARTIAL

6. Does the system(s) exchange information with other systems?  YES  NO  
If "Yes," specify which other systems:  
  
 REGIONAL     CENTRAL STATE REPOSITORY     NCIC     OTHER (specify) Elements of criminal justice system.

7. Indicate population of primary geographic jurisdiction being served:  
  
650,000

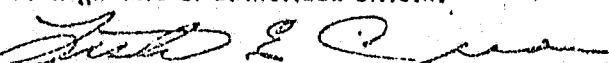
8. Indicate approximate number of subjects included in system:  
  
 0-5,000       5,000-25,000       25,000-100,000  
 100,000-500,000       MORE THAN 500,000

9. Name of authorized agency official  
  
LESTER F. CINGCAGE

10. Title  
  
ADMINISTRATIVE DIRECTOR OF THE COURTS

11. Agency name and address  
  
THE JUDICIARY, STATE OF HAWAII  
P. O. BOX 2560  
HONOLULU, HAWAII 96804

12. Tel. No. (Give Area Code)  
  
(808) 548-4605

13. Signature of authorized official  


UNITED STATES DEPARTMENT OF JUSTICE  
 Law Enforcement Assistance Administration  
 National Criminal Justice Information and  
 Statistics Service  
 Washington, D.C. 20531

CERTIFICATION FOR  
 AGENCY SYSTEMS OTHER THAN  
 THE CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY

THE JUDICIARY  
 P. O. BOX 2560  
 HONOLULU, HAWAII 96804

APPLICABLE STATE

Hawaii

DATE PREPARED

March 3, 1976

CONTACT NAME

TELEPHONE NO. (Give area code)

(808) 548-4605

TYPE OF AGENCY

POLICE

PROSECUTOR

COURT

PROBATION

CORRECTIONAL INSTITUTION

PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

OPERATIONAL PROCEDURES

Completeness and Accuracy

Complete Disposition Reporting from:

- Police
- Prosecutor
- Trial Courts
- Appellate Courts
- Probation
- Correctional Institutions
- Parole

Systematic Audit:

- Delinquent Disposition Monitoring
- Accuracy Verification

Limits on Dissemination

Contractual Agreements, Notices and Sanctions in Effect for:

- Criminal Justice Agencies
- Non-Criminal Justice Agencies Granted Access by Law or Executive Order
- Service Agencies Under Contract
- Research Organizations

Validating Agency Right of Access Restrictions On:

- Juvenile Record Dissemination
- Confirmation of Record Existence
- Secondary Dissemination by Non-Criminal Justice Agencies
- Dissemination Without Disposition

Audits and Quality Control

Audit Trail:

- Recreating Data Entry
- Primary Dissemination Logs
- Secondary Dissemination Logs

NOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			
	COST	TECHNICAL	LACK OF AUTHORITY	ESTIMATED IMPLEMENTATION DATE
No				
No				
Yes				
Yes				
Yes				
No				12/77
No				12/77
Yes				
No				12/77
Yes				
Yes				
Yes				
Yes				
Yes				
No				12/77
No				12/77
No				12/77
No				12/77
No				12/77
No				12/77

**OPERATIONAL PROCEDURES**

**\*Security**

Executive/Statutory Designation of Responsible Criminal Justice Agency

Prevention of Unauthorized Access:  
Hardware Design  
Software Design

Dedicated Hardware:

Terminals  
Communications Control  
Processor  
Storage Devices

Criminal Justice Agency Authority:

Computer Operations Policy  
Access to Work Areas  
Selection and Supervision of Personnel

Assignment of Administrative Responsibility:

Physical Security  
Unauthorized Access

Physical Protection Against:

Access to Equipment  
Theft, Sabotage  
Fire, Flood, Other Natural Disaster

Employee Training Program

Individual Right of Access

Rules for Access  
Point of Review and Mechanism  
Challenge by Individual  
Administrative Review  
Administrative Appeal  
Correction/Notification of Error

NOW IMPLEMENTED	CHECK MARKS			DATES
	REASONS FOR NON-IMPLEMENTATION			
	COST	TECHNICAL	LACK OF AUTHORITY	ESTIMATED IMPLEMENTATION DATE
N/A				
N/A				
N/A				
N/A				
N/A				
N/A				
Yes				
Yes				
?				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				
Yes				

REMARKS

This certification covers all judiciary components listed in Appendix C of the State of Hawaii Security Plan.

## APPENDIX B

### Excerpts From

#### HAWAII COMPREHENSIVE DATA SYSTEM SECURITY AND PRIVACY MANUAL

The technical power of information systems to compile data on individual citizens is unlimited. If such systems are to obtain the respect of the citizenry and receive popular support for their continued use as a tool in the administration of justice, those who operate these systems must respect the limited purposes for which they are created.

The important area of security and privacy concerns the need to maintain a balance between the necessity of the criminal justice community for information about its clients and the right of the individual to privacy. Issues raised concern distribution of information; scope, accuracy, and timeliness of information; as well as protecting information from unauthorized tampering or destruction.

The regulations proposed are minimum standards for local, regional, or statewide criminal justice information systems. They are not intended to cover all the exigencies which may arise in the development of a particular system, nor should they prevent any one system from adopting more strict regulations. In short, they can be (and may need to be) supplemented or tightened, but not circumvented.

## Section 1

### PRIVACY COMMITTEE

- A.1 A Privacy Committee shall be created to coordinate these regulations. The committee shall be composed of representatives of criminal justice agencies, information systems, and the general public.

Comment: It is recommended that a Privacy Committee be created to encourage compliance with the regulations contained in this manual.

- A.2 The Privacy Committee shall have the responsibility to recommend modification of these regulations, so far as consistent with applicable law.

- A.3 The Privacy Committee shall have the responsibility to impose non-penal sanctions for agencies which fail to comply with these regulations.

Comment: Some penal sanctions have already been created by state law. See Section B.12. The most obvious non-penal sanction is to deny the offending agency use of the computer system.

- A.4 Every criminal justice agency participating in a criminal justice information system shall appoint one person to be responsible for compliance with these security and privacy regulations.

## Section 2

### ACCESS

To protect confidentiality of information in criminal justice data banks, rules must exist which govern access to and the sharing of automated information. The general principle, followed in these regulations, is the concept of limited dissemination. Criminal justice agencies should share among themselves only that information which is relevant to their statutory responsibilities; non-criminal justice public agencies and officials should obtain data only where they have specific statutory authorization to use it.

Whether the principle of limited dissemination can be applied in Hawaii depends on the state public records law. That law describes a public record as a written or printed report or paper of a governmental agency "on which an entry has been made or is required to be made by law...but shall not include records which invade the right of privacy of an individual." H.R.S. 92-1(2). Such records shall be available for inspection by any person during office hours. H.R.S. 92-4.

The use of the term "required to be made by law" suggests that public records are those records made to memorialize official transactions for public reference (or to disseminate information to the public). Under this interpretation, reports which agencies prepare voluntarily to assist them in their



business, such as internal management reports or computerized criminal histories, would not be public records.

One could still argue, however, that the recording of criminal histories is required by law. The Attorney General is authorized to prescribe a system to identify suspects. H.R.S. 28-51. He may establish records to be kept or reporting forms to support his system. H.R.S. 28-53. Thus, criminal history records maintained by the Attorney General pursuant to this law might be viewed as public records.

In that case, it must be determined whether public dissemination of an individual's complete criminal history (as opposed to a police or record entry which refers to a single case) would "invade the individual's right of privacy."

The term "privacy" is not defined by statute but there is nothing in Hawaii law to suggest that convicted persons are not entitled to some kind of protection. H.R.S. 716-3 states that convicted individuals maintain their civil rights.

Furthermore, the legislature has been sensitive to the need for privacy in somewhat related situations. Civil identification records acquired by the Attorney General are confidential. H.R.S. 28-45. Reports and records maintained by the Department of Health relating to mental illness and drug addiction are also confidential. H.R.S. 334-5.

It is interesting to note that the previous public records law applied broadly to all books and records of all agencies, except police or prosecutor records. It was stated in

Sapienza v Chief of Pol. Paul et. al., 42 Ha 14 (1957) that Attorney General records submitted by police departments were open to public inspection. The subsequent public records law was more narrowly worded and the legislature inserted the invasion of privacy language.

There are also strong policy reasons for adopting an interpretation of the public records law which restricts dissemination of criminal history data. Tension exists between the individual's right to privacy and the public's traditional abhorrence of a public agency conducting its activities under a veil of secrecy. The records of individual occurrences, such as arrests, complaints, and convictions, are commonly recognized to be public information. However, the same records when compiled and automated on an individual basis do not serve the function of providing the public with data for evaluating agency behavior; they provide agencies with needed information to judge individual behavior. And, because of the inherent dangers of abuse and personal detriment, they may be justifiably restricted to those agencies which need the information for official business.

As for juvenile records, the principle of limited dissemination seems clearly established.

Routine family court records in juvenile delinquency and neglect cases may be inspected only by the parties or, pursuant to court order, by persons with a legitimate interest in the minor's welfare or persons performing research studies.

H.R.S. 571-84. The same section provides for the confidentiality of juvenile records in police departments.

B.1 a. Criminal justice agencies means only those public agencies or components thereof, at all levels of government, which, as their principal function, perform activities relating to (1) collection and analysis of crime statistics pursuant to statutory or administrative authority; (2) the apprehension, prosecution, adjudication, or rehabilitation of criminal offenders; or (3) the collection, storage, dissemination, or usage of criminal justice record information.

b. Criminal justice record information refers to information contained in an automated criminal justice information system. Intelligence or investigatory information maintained by one agency and not disseminated is not included unless specifically identified.

Individual record information refers to that criminal justice record information which permits identification of an individual or can be accessed by personal identifiers.

Comment: Any type of information if it does not permit identification of the individual record subject can be stored in a criminal justice information system. But, where the record contains sufficient personal identifiers to permit identification of an individual, the manual establishes a different set of standards.

c. Juvenile justice agencies means the Family Court and public or private agencies which participate in juvenile delinquency and neglect proceedings related to juveniles or receive custodial placements from the Family Court.

d. Unless stated otherwise, the standards concerning criminal justice agencies, criminal justice record information and criminal justice agencies, juvenile justice record information, and juvenile justice information systems.

Comment: The definition of juvenile justice agency is broad enough to permit private agencies to participate in multi-agency juvenile systems. Such agencies frequently provide custodial rehabilitation programs.

- B.2 Direct terminal access to criminal justice record information shall be limited to criminal justice agencies.
- B.3 Criminal justice agencies shall obtain, whether by direct terminal access or otherwise, only that information which is relevant to their statutory responsibilities, provided that each criminal justice agency shall have access to its own files in an information system.
- B.4 Non-criminal justice public agencies and officials shall obtain only that individual record information which is specifically provided for by state law.

Comment: Hawaii has adopted the general principle that a convicted person does not lose his civil rights, including public employment. H.R.S. 716-3. Still, an individual may be prevented from obtaining an occupational or business license by specific legislation. H.R.S. 716-4.

- B.5 No corporation, private agency, or individual shall obtain individual record information unless such dissemination is specifically provided for by law.

Comment: Private employers, security firms and investigators, credit agencies, insurance companies, and banks may attempt to obtain criminal history information on individuals, particularly where employability is concerned.

Nevertheless, in Hawaii, this information is not a matter of public record.

- B.6 Where juvenile justice record information is automated by a law enforcement agency, that information may be shared only among local law enforcement agencies or upon order of the Family Court.

Comment: Juvenile records in the Family Court are confidential and dissemination is under the Court's control. H.R.S. 571-84.

It is recognized, however, that law enforcement agencies have legitimate needs to maintain records on juveniles and these records are also treated as confidential. H.R.S. 571-84 states that they will be open to persons whose official duties relate to the juvenile laws.

Standard B.6 interprets this section to limit dissemination, at least as applied to automated records, to other law enforcement agencies. To establish a broader rule runs the risk of circumventing the control already given to the Family Court over much of the same record information. See G. v Superior Court, 484 P2d 981 (Cal. Sup. Ct. 1971).

B.7 Intelligence information obtained from a criminal justice information system including the fact that an individual has an intelligence file or name of agencies that possess intelligence information on him, shall not be disseminated outside of criminal justice agencies.

B.8 In all cases where criminal justice record information is open to public inspection by law, the custodians of that information shall adopt reasonable regulations to permit public access.

Comment: The above regulations limit dissemination of information which is or could be restricted from public disclosure. But, there will be instances of information governed by the public inspection provisions of the public records laws. For example, the court docket of individual cases might be automated.

B.9 No agency qualified under these regulations to obtain criminal justice record information may obtain access until it has signed a non-disclosure agreement, as adopted by the Privacy Committee.

Commer<sup>+</sup>: The typical penalty for violation of a non-disclosure agreement is temporary or permanent exclusion from an information system.

B.10 Any person maintaining or receiving individual record information shall, prior to each use or further dissemination of such information, take reasonable action to assure that the information is the most accurate and complete available.

B.11 Those agencies or individuals engaged in legitimate research programs may obtain criminal justice record information for research if each agency contributing and maintaining the information consents and the Privacy Committee implements the following requirements.

a. In no case shall information furnished for purposes of any program of research be used to the detriment of the persons to whom such information relates.

b. In no case shall information furnished for purposes of any program of research be used for any other purposes; nor shall such information be used for any program of research other than that authorized and approved by the Privacy Committee.

c. Each participant and employee of every program of research authorized access to information shall, prior to having such access, fully and completely execute a non-disclosure agreement approved by the Privacy Committee.

d. In every case, the authorization for access to information shall assure the Privacy Committee full and complete rights to monitor the program of research. Such monitoring rights shall include the right of the Committee, its agents or employees to audit and review such monitoring activities and also to pursue its own monitoring activities.

B.12 It is understood that violation of these regulations may subject the individual to criminal and civil liability.

Comment: Hawaii does not have a criminal law specifically punishing those who may abuse or wrongfully disseminate the information in computerized systems, but more general statutes partially cover the situation.

Any act where an individual alters, deletes, or falsifies information in a criminal justice information system may be punishable as "tampering with a public record"--a misdemeanor. H.P.C. 1017. The term public record is broadly defined to include all records created or kept by a governmental agency. H.P.C. 1017(2). Commentary to the law explains that the law is not limited to "records traditionally considered 'public' but also information kept for the benefit of the government...". This statute would not punish, however, an unauthorized dissemination of a copy of a computerized record. That action possibly could be punished as a "diversion of services" under the theft statute. H.P.C. 830(6).

Furthermore, where information is electronically intercepted, as by a wiretap on communication lines, the crime of violating privacy--a misdemeanor--is committed. H.P.C. 1111.

Concerning civil liability, the State Supreme Court has recognized the invasion of privacy as tortuous conduct which may provide the basis for a cause of action. Fergerstrom v Hawaiian Ocean View Estates, 441 P2d 141 (1968). That case, however, concerned the appropriation of an individual's name for commercial purposes and the court expressly stated that "we do not now decide whether other aspects commonly included under a general right of privacy will receive similar protection."

### Section 3

#### PRIVACY

Privacy refers to the protection of the interests of the people whose names appear, for whatever reason, in the contents of a criminal justice information system. When information about an identifiable individual has been obtained by a criminal justice agency, the important consideration becomes one of confidentiality--who within or outside the agency is allowed access to a given record or file.

The following standards are based on the premise that one of the most important ways to protect the individual's right of privacy in an automated system is to limit the information which the system may possess. The standards prescribe strict rules regarding information quality and completeness. An additional safeguard is the right of the individual to inspect his own record for inaccurate or misleading statements.

- C.1 Individual record information shall be objective, verifiable, accurate, and complete. In following this standard:
- a. Individual record information which is anecdotal, evaluative, or judgmental shall not be computerized; provided that where an agency's responsibilities require behavioral analysis of individuals, that agency may automate standardized personal evaluation data entries of a type useful for research classification.

Comment: One of the most serious public complaints about individual data banks is that they will computerize for indefinite periods such soft social-work type of evaluations as "drug problem" or "suicidal

tendencies." For this reason, it is generally agreed that computerized criminal histories will not contain behavioral data. Standard C.1a recognizes, however, that some correctional agencies will want to computerize certain individual analyses. The standard requires use of a uniform vocabulary based, insofar as possible, upon widely accepted behavioral terms.

- b. Individual record information that arrest took place or prosecution was initiated shall not be disseminated without inclusion of a final law enforcement or judicial disposition; provided that, until a final disposition is reported but not longer than two years, "disposition pending" may be utilized.
- c. Individual record information in intelligence files subject to terminal access by an agency which did not originate the information shall be limited to personal identifiers and such data as is available from sources open to public inspection. Intelligence files may also identify law enforcement agencies possessing additional intelligence information relating to such individuals.

Comment: Where automated intelligence data is shared, the risk of injury to the individual from unauthorized disclosure is enhanced. This standard establishes a system of pointers to ensure that those needing the information can obtain it manually. This approach is consistent with the methodology of groups employed in organized crime intelligence operations.

C.2 Individual record information entered in a file shall be relevant to the purpose for which the file was created. In following this standard:

- a. Misdemeanor drunk and traffic records where the case did not result in imprisonment or probation supervision shall not be entered in criminal history files.

Comment: Several recent cases have raised the issue of whether the constitutional right to privacy or equitable grounds of fairness permit a criminal justice agency to maintain records on persons whose arrests did not lead to conviction. The results are not conclusive.



In Menard v Mitchell, 328 F. Supp 718 (D.C. Cir 1971), the U.S. District Court found that arrest records which showed release without further prosecution might still be useful to law enforcement agencies; the court prohibited, however, dissemination to non-criminal justice agencies. On the other hand, the Washington Court of Appeals found that the constitutional right of privacy overrode the police necessity to keep the fingerprints and photos of an acquitted person. Eddy v Moore, 487 P2d 211 (Ct App 1971). And the Colorado Supreme Court held that the retention of arrest records of an acquitted person without justification from the standpoint of law enforcement or creation of methods to insure record confidentiality may constitute an invasion of privacy. The court recognized the significance of the "computer age" in bringing record-keeping issues to the public's attention. Davidson v Dill, 503 P2d (Colo Sup Ct 1972).

Nevertheless, Hawaii appears to have resolved the problem by legislation. An arrested person who is not convicted may request the attorney general to return his fingerprints. H.R.S. 28-54. The only exceptions are those written into Standard C.2.b. Returning the fingerprints is tantamount to preventing verifiable computerized criminal histories.

- C.3 Individual record information relating to juveniles shall be maintained separately from that relating to adults.
- C.4 Individual record information in intelligence records relating to organized crime and racketeering activities shall be maintained entirely separately from civil disorder/subversive activities record information.

Comment: This regulation is proposed as a matter of practicality. Civil disorder files involve constitutional questions of great seriousness. Such questions are only beginning to reach courts and legislators and to affect public attention. If such files are intermingled with organized crime intelligence records, the constitutional problems implicit in the former would inevitably attach to the latter. In addition, the political and public acceptance of organized crime intelligence systems may be eroded by the controversy that surrounds civil disorder files.

- C.5 Individual record information shall not be disseminated unless the requesting agency is able to identify the record subject by a specified set of personal characteristics.

Comment: In some systems, fingerprints are an available means to safeguard against mistaken identity. Where use of fingerprints is not feasible, some other set of personal identifiers must be required.

- C.6 Every individual, his attorney of record, and his parents or guardian, if a minor, shall have the right to examine all individual record information which refers to him.
- a. This right of examination shall include inquiries by agencies which have requested access to the individual's record.
  - b. This right of examination shall be subject to reasonable procedures, to be established by the Privacy Committee.
  - c. Any individual who believes that individual record information which refers to him is inaccurate or misleading may petition the Privacy Committee for additions to, deletions from, or comments upon the record information.
  - d. Notice shall be clearly given or posted in criminal justice agencies concerning the laws and conditions under which an individual may view and correct his criminal offender record.

Comment: The right of an individual to inspect his own record can be an important safeguard. Such inspection does not interfere with criminal justice use of the records and it provides an additional guarantee of accuracy in the information reported. Juveniles, of course, are already accorded this right under juvenile court law. H.R.S. 571-84.

In common practice, the individual is permitted to see his own record and take notes, but not to obtain a copy. The purpose of this approach is to make it impossible for employers to condition employment on production of the actual rap sheet.

## Section 4

### RECORD RETENTION

Criminal justice information systems require guidelines on how long records, both manual and automated, should be maintained. There are two general reasons behind the rules for purging files with information on individuals. One is to eliminate information which, because of its age, may be an unreliable guide to the subject's present behavior or situation. The second is somewhat more philosophical. There exists a point in time after which it only seems fair to give individuals a fresh start. It is difficult to judge, of course, when that point is reached.

For records, such as cases in progress, which do not store data on individuals, a general rule is that the file should be purged when it is no longer required or useful. Such action is required to keep the computer system at maximum efficiency.

The most difficult problem is determining how long to maintain criminal history information on an individual. In some systems, the practice is to keep records until it is likely that the individual has died. Such policies violate both of the concepts underlying reasonable, realistic retention rules. Both the probity of the records and the stigma attached to them may terminate for many individuals at an earlier point,

especially since the average adult criminal is relatively young.

State law contains no guidelines for purging criminal histories. One national body composed of representatives from the entire spectrum of criminal justice has proposed that ten years free of subsequent criminality for felons and five years for misdemeanors is a reasonable and fair standard.

It would appear that record retention rules require the approval of the State Comptroller. H.R.S. 94-3 states that to destroy a governmental record, the agency must get the authority of the Comptroller.

D.1 Reasonable rules for routine purging of individual record information shall be established. In following this standard:

- a. Information in field investigation (interrogation) files shall be purged within six months of entry.
- b. Information for keeping track of an individual as he proceeds through the criminal justice system shall be purged within three months of the individual's exit from processing. This rule applies to correctional files and county case-in-progress files which are essentially on-line and available for interagency sharing.
- c. Information in criminal history files on an individual convicted of a misdemeanor shall be purged when the conviction and release from supervision is at least five years earlier, provided there have been no subsequent criminal convictions.
- d. Information in criminal history files on an individual convicted of a felony shall be purged upon the individual reaching seventy-five (75) years of age and has no criminal convictions within the past five years, or upon the individual's death.

- e. Information in criminal history files related to an offense for which an individual has been pardoned shall be purged upon notification.
- f. Information in criminal history files subject to an expungement order shall be purged upon notification.
- g. Purging requires that information be destroyed or stripped of personal identifiers.

D.2 Whenever a minor exceeds the jurisdictional age of the Family Court:

- a. All juvenile record information relating to the minor which has been automated by a Family Court shall be physically removed from the computer; and
- b. All juvenile record information relating to the minor which has been automated by a law enforcement agency shall be destroyed.

D.3 Whenever juvenile information is physically removed from the computer pursuant to these regulations, storage and use of the information shall be the direct responsibility of the Family Court.

Comment: Under this regulation, the Family Court retains its statutory authority to govern dissemination by court order on a case-by-case basis. H.R.S. 571-84.

Juvenile records are traditionally accorded a great degree of confidentiality. For this reason, it is recommended that, once the minor reaches adulthood, the automated record be maintained in a central repository, thus permitting substantial control over its dissemination.

## Section 5

### SECURITY

No information system will ever be completely safe from unauthorized alteration, removal, or destruction of information. Nevertheless, such systems can be made reasonably secure through a combination of technical, physical, and personnel measures. Information system security is the capability to restrict the availability of specific information to authorized individuals, and to physically protect all parts of the system, including both the data and the system that processes the data, from any form of hazard that might endanger its integrity or reliability.

While the following regulations represent standards which all information systems and data processing centers should adopt, in the final analysis the implementing agencies must decide whether their system of safeguards is sufficient to protect the rights of individuals. In each case, an estimate of the cost or probability of the threat must be weighed against the use of providing adequate information system security.

#### E.1 Terminal and Operator Identification.

- a. There shall be a terminal identification code number for each remote terminal as a precondition for entering the files.
- b. Within each agency, terminal use shall be assigned to a limited and identified group of individuals.

Comment: Most often, persons having access to a file have access to all fields of all records. In a manual file where records are maintained in a manila folder, it is difficult to do otherwise.

In a computerized system, however, access can be permitted to the entire file or restricted to certain fields of the file. For example, access rights might be to:

- (1) Read an item (e.g., file, record, or field)
- (2) Write an item so as to produce a change--either
  - (a) a new item added, or
  - (b) an existing item changed
- (3) Delete an item.

The access rights of a user must be explicitly denoted in any situation where partial rights exist, e.g., for a limited access file or where reading is permitted but changes and deletions are not. It is recommended that an authorization table (or Matrix) be stored with the data and their access rights. Access to this table must be strictly limited to persons authorized to modify the table and be stored separately from the data.

- c. Each individual terminal user shall identify himself by a personal identification number.

Comment: For particularly sensitive data, such as intelligence information, a callback procedure may be instituted, in addition to the recognition of the personal identification number, to authenticate the identity of users requesting confidential data from remote terminals.

- d. The computer shall be programmed to log the identity of all users, the files accessed, and the date of access. This information shall be maintained for twelve (12) months.
- e. Each remote terminal user shall establish a written log of terminal use as required by the Privacy Committee, for dissemination of criminal history information outside the agency, which shall be audited periodically.

Comment: In systems which transmit criminal history information, the written log of terminal use is an acceptable safeguard for determining instances of unauthorized file access. This standard is intended

to give the Privacy Committee the authority to determine for which criminal history files and in what access situations the written log would be a useful protection. The standard is not intended to apply to situations where most of the data to be transmitted is management information belonging to the terminal user. In that instance, the requirement of a written log could be an onerous burden.

E.2 Protections Against Wiretapping, Eavesdropping, or Other Forms of Non-Terminal Interception.

Adequate measures shall be established through hardware and software features to protect against unauthorized non-terminal interception.

Comment: Non-terminal interception involves an attempt to obtain information transmitted by the computer through wiretapping or electromagnetic pick-up. Wire-taps are feasible whenever a system uses cables to connect components; electromagnetic pick-up requires capturing the radiated signals emanating from the computer and its communication lines.

The methods used for non-terminal interception are not capable of altering or deleting information in a computer file but the risk does exist that messages will be recorded as they are sent or received. Since this risk varies with the size of the system and the nature of the messages, there is no one recommended way to minimize it. For this reason, each system should determine what measures it wishes to employ at different stages during the growth of systems.

One generally recognized deterrent is to code or scramble data during transmission. The receiving terminal decodes the message so that it becomes coherent upon receipt.

A second method is to shield the computer and communications lines so that electromagnetic emanations cannot be captured. Where the data is coded, the shield system is not necessary unless there is a serious possibility that the interceptor can decode the data.

E.3 Data Storage.

- a. Data shall be stored in a data classification system according to scope of permitted access and sensitivity of the data.

Comment: A basic data classification system for criminal justice information systems is provided in Standard 8.5, "Data Sensitivity Classification" of the National Advisory Commission of Criminal



Justice Standards and Goals, Report on the Criminal Justice System (1973).

- b. Confidential criminal justice records that are maintained on-line in a time-shared, remote access computer system should be either password protected or have some form of encryption that at least prevents accidental disclosure, or both.

Comment: Passwords, in addition to a personal identification number, can serve for authentication of a user's identity or can be used to authenticate the authorization of a user to access a file. Passwords should be subject to change as often as wanted by the user.

As a general rule, the more sensitive the data, the more complex should be the encryption for transmission purposes. As a minimum for confidential records maintained on-line, a short key transformation for identifying various fields of a record, or various records in a file, should be applied.

- c. System hardware and software shall contain mechanical controls to insure that all on-line data inquiries and machine-generated reports will contain only the information which each user is authorized to obtain.

Comment: A file reader program of an operating system should be used for access to all files that are made accessible on a field-limited basis.

- d. Systems software shall be implemented to erase and clear automatically all media for the storage of data when purging is required by these regulations.
- e. Duplicate computer files shall be created as a countermeasure for unauthorized destruction of original files and all computer tapes or discs shall be locked in a safe storage area under the control of senior agency personnel. Secondary storage may be used for backup.

Comment: For the purposes of record retention, duplicate computer files or backup files should be treated in a similar manner as the original files. In this way, record retention schedules can apply uniformly to all computerized records as well as related records in secondary or backup storage.

E.4 Data Entry.

- a. The Privacy Committee shall have the authority to require that a specific data element which fails to satisfy the standard of objectivity, verifiability, accuracy, or completeness, shall be excluded or

deleted from individual record information.

- b. Where data is submitted to a computer center on reporting forms, the data center shall establish procedures for destroying these forms or storing them in a secure environment after data is entered in the computer.
- c. System software shall contain controls to insure that each terminal is limited as to the information it can input, modify, or cancel in accord with the personnel authorization table and the data classification system.

#### E.5 File Protection Software.

- a. Procedures shall be created to disconnect any remote terminal whenever repeated errors indicate that tampering is taking place.
- b. A monitor program shall be developed to report attempts to penetrate any system, program, or file.
- c. Edit programs shall be created to periodically audit record alteration transactions.
- d. All file protection software shall be written, installed, and stored by the systems management and technical personnel who are under the management and control of the implementing criminal justice agency. Records of these programs shall be stored under maximum security conditions. No other persons, including staff and repair personnel, shall be permitted to know these programs.

Comment: The concept underlying this standard is that all sensitive software shall be prepared by a limited number of criminal justice agency personnel. All activities related to these programs shall be performed by these personnel only.

#### E.6 Physical Security.

- a. All criminal justice agencies will adopt adequate procedures for controlling physical access to the computer facility and remote terminals by staff, maintenance personnel and visitors. These procedures should include the use of guards, keys, badges, access restrictions and clearance systems, sign-in logs, and similar controls.

Comment: As a general rule, all persons having access to the rooms where hardware is kept, including the locations of the remote terminals, should be properly identified and "need to be present."

APPENDIX C

STATE OF HAWAII

CRIMINAL JUSTICE AGENCIES AND

AUTHORIZED NON-CRIMINAL JUSTICE AGENCIES

AS DETERMINED BY

ATTORNEY GENERAL

March 15, 1976

By virtue of the authority vested in me as Attorney General of the State of Hawaii and pursuant to Part 20 of Chapter I of Title 28 of the Code of Federal Regulations issued by the Department of Justice effective June 19, 1975 governing the dissemination of criminal record and criminal history information and to assure that such information wherever it appears is collected, stored, and disseminated in a manner to insure completeness; integrity, accuracy and security of said information and to protect individual privacy while preserving legitimate law enforcement need for access to such information, the following are designated criminal justice agencies as defined by Sections 20.3(c) and 20.3(d) and within the meaning of Section 20.21(b) (1) relating to dissemination of criminal history record information for purposes of administration of criminal justice and criminal justice agency employment:

Attorney General  
Bureau of Crime Statistics and Identification  
County Prosecuting Attorneys  
County Police Departments

Hawaii Supreme Court  
Circuit Courts  
Family Court  
District Courts  
Office of the Court Administrator  
Hawaii Criminal Justice Statistical  
Analysis Center  
Adult Probation Offices

Division of Corrections  
Corrections Research and Statistics Bureau  
Board of Paroles and Pardons

Intake Service Center

Department of Data Systems  
City and County of Honolulu  
State Electronic Data Processing  
Division

*Ronald Y. Amemiya*  
Ronald Y. Amemiya  
Attorney General

By virtue of the authority vested in me as Attorney General of the State of Hawaii and pursuant to Part 20 of Chapter I of Title 28 of the Code of Federal Regulations issued by the Department of Justice effective June 19, 1975 governing the dissemination of criminal record and criminal history information and to assure that such information wherever it appears is collected, stored, and disseminated in a manner to insure completeness, integrity, accuracy and security of said information and to protect individual privacy while preserving legitimate law enforcement need for access to such information, the following are designated individuals and agencies within the meaning of Section 20.21(b) (2) which require criminal history record information to implement a statute or Executive Order that expressly refers to criminal conduct and contains requirements and/or exclusions expressly based upon such conduct:

Ombudsman

County Liquor Commissions

State Collection Agency Board

*Ronald Y. Amemiya*  
Ronald Y. Amemiya  
Attorney General

TO

Criminal Justice and Non-Criminal Justice Agencies  
State of Hawaii

Dear Sir:

Transmitted herewith is the annual CCH audit questionnaire pursuant to Part 20 of Chapter I of Title 28 of the Code of Federal Regulations issued by the Department of Justice June 19, 1975, and in compliance with the Privacy and Security Plan, State of Hawaii, relative to the dissemination, usage, collection and storage of criminal history information (CCH) by criminal and non-criminal justice agencies in Hawaii.

Pursuant to authority vested in the Attorney General by provisions of Sections 28-51/28-56 and 731.3.2, Hawaii Revised Statutes, it is requested that the enclosed Criminal Justice Agency CCH Audit Report be completed and returned to the Attorney General's Office. An inspection of a random sample of criminal history data records of agencies selected will be conducted by representatives of the Attorney General at a later date.

Your cooperation is requested and appreciated.

*Ronald Y. Gomeroy*  
ATTORNEY GENERAL  
State of Hawaii

APPENDIX D

STATE OF HAWAII  
INSTRUCTIONS TO  
CRIMINAL JUSTICE AGENCIES  
AND  
NOTICE  
AS DETERMINED BY  
ATTORNEY GENERAL

March 12, 1976



## Instructions to Criminal Justice Agencies

There are certain individuals and agencies which require criminal history record information to implement a statute or executive order that expressly refers to criminal conduct and contains requirements and/or exclusions expressly based upon such conduct. For example, the Hawaii Revised Statutes provide that the county liquor commissions shall not grant a liquor license to "any person who has been convicted of a felony and not pardoned."

Before any criminal history information is released to an individual or agency for the purposes of implementing a statute or executive order, the attached notice should be appropriately filled in by your agency. The notice should then be read and signed by the individual or agency representative.

NOTICE

TO: (Name of agency or individual receiving data)  
FROM: (Name of agency or individual disseminating data)  
SUBJECT: Preventing Unauthorized Disclosure of Criminal  
History Record Information

You are hereby notified:

1. Any criminal history record information disseminated to you shall be used by you or your representatives for only the following express purposes:

2. The dissemination of such information to you is subject to your agreeing to abide by the attached laws, ordinances, rules, policies, or procedures. (See Attachment A.)\*

3. Access to any information disseminated to you is limited to the following persons:

\* Attachment A will be provided to the agency or individual receiving said notices.

4. It is incumbent upon you to comply with adequate security procedures, consistent with applicable laws, ordinances or rules, in order to assure the security and privacy of criminal history record information.

5. When the purposes for disseminating the criminal history record information are satisfied, such information must be returned to the disseminating agency.

Dated: \_\_\_\_\_, 19\_\_\_\_, Honolulu,  
Hawaii.

\_\_\_\_\_  
Signature  
(Disseminating Agency)

I hereby certify that I have read the above notice and attachment A; that I know and understand the requirements of same; and agree to abide by any provisions therein.

\_\_\_\_\_  
Signature  
(Receiving Agency)

APPENDIX E

STATE OF HAWAII  
CRIMINAL JUSTICE AGENCY  
CCH AUDIT REPORT

DEPARTMENT OF THE ATTORNEY GENERAL

March 15, 1976

CRIMINAL JUSTICE AGENCY CCH AUDIT REPORT

Date: \_\_\_\_\_

AGENCY \_\_\_\_\_ ORI NO. \_\_\_\_\_

Agency staff member(s) participating: \_\_\_\_\_

Attorney  
CCH audit conducted by General staff member(s) \_\_\_\_\_

Pursuant to Sec. 28-53/28-56, HRS \_\_\_\_\_

\* \* \* \* \*

Does your agency have terminal(s) with CCH access capabilities?

Yes \_\_\_\_\_ No \_\_\_\_\_

Or have terminal(s) with CCH dissemination capabilities?

Yes \_\_\_\_\_ No \_\_\_\_\_

Number of terminal(s) \_\_\_\_\_ Location(s) \_\_\_\_\_

S 1. If yes, are all terminals (with CCH-computerized 20.21  
criminal history capabilities) located in a  
physically secure location not available to  
unauthorized persons?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

S 2. Are terminals so placed that unauthorized persons 20.21  
may not observe the content of messages transmitted  
or received on terminal display or hard copy printout?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

- S 3. What hours is the terminal manned? 20.21  
Hours:  
Comment:
- S 4. If manned less than 24 hours per day is the 20.21  
"sign on/off" procedure used as required?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- S 5. Is the CCH terminal identified when it is being 20.21(f)(7)  
operated?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- S 6. Do you maintain the terminal responses from CCH 20.21(f)(9)  
in secure storage files?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- S 7. Are the terminal response records destroyed by 20.21(f)  
burning or shredding when they are no longer needed  
or pertinent?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:

- C 1. To verify and support the CCH record data base 20.34(3)  
concerning the offender, does your agency forward 20.31  
a set of fingerprints to the Attorney General for  
the State central identification files?  
Yes  No   
Comment:
- C 2. Are CCH record entries verified by fingerprints 20.31(c)  
and linked to numeric identifiers? 20.21(b)(2)  
20.34(3)  
Yes  No   
Comment:
- C 3. Are offense charges properly interpreted and 20.32(a)  
identified by specific sections of the law?  
Yes  No   
Comment:
- C 4. Does your department recording process reflect 20.21(f)(8)  
accountability by specific employees who have made  
data entries on criminal history documents?  
Yes  No   
Comment:

- C 5. Do all disposition documents provide for identification link with the subject offender prior to entry of information into the computerized criminal history (CCH) files? 20.3(c)  
20.21(a)(1)  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- C 6. To improve quality of CCH data, does your agency employees conduct routine comparison of source documents and recorded data? 20.21(a)(1)  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- C 7. Are data transaction trail maintained to relate specific CCH data elements back to offense, arrest, and disposition documents? 20.21(a)(1)  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- C 8. If an expected disposition is not received for the CCH file, does your CCH terminal provide for a means to flag the record? 20.33(3)  
20.3(c)  
20.37  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:



D 1. Is access to CCH information by means of your terminal limited to criminal justice agencies? 20.21(f)(9)  
20.21(b)(1)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D 2. Is CCH information obtained only in situations required by your agency for purposes of fulfilling legal responsibilities? 20.21(b)(2)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D 3. Does your department make CCH inquiries that are for research purposes? 20.21(b)(4)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D 4. Does your agency make CCH inquiries for the checking of convicted arrest records of offenders for agencies outside the criminal justice community? 20.21(b)(5)  
20.21(c)(2)

(e.g., County Commissioners)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D 5. Does your agency receive from CCH inquiries 20.21(c) (1)  
arrest data without disposition or conviction?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D 6. Is your CCH terminal capable of accessing police 20.21(c) (1)  
intelligence or investigative information as well? 20.3(b)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D 7. Does your agency transmit by radio CCH data beyond 20.21(f) (2)  
that information necessary to ensure adequate  
safety for officers?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D 8. Does your department use the ORI (Original 20.21(f) (1)  
Requesting ID NO.) of the requesting agency for 20.21(b)  
all CCH inquiries at all times?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D 9. Does your department use means to verify the validity of remote request for CCH information such as received by phone or radio?

20.21(f) (9)  
(6)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D10. Does your agency disseminate or inquire CCH information in accordance with strict right-to-know and need-to-know requirements?

20.21(b)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D11. Does the disseminated criminal history information contain, in addition to essential identification data sufficient to identify the subject of CCH record and notations regarding the formal criminal justice disposition, comments on behavioral, anecdotal, evaluative, or judgemental data?

20.3(b)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

- D12. Are CCH information disseminated logged within your agency? 20.21(f)(8)  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- D13. Are juvenile criminal history information contained in your CCH data bank? 20.21(d)  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- D14. Are your terminals provided with output flag messages to indicate restricted dissemination of criminal history information without disposition of the charge? 20.21(b)(ii)  
20.21(c)(1)  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:
- D15. Are intelligence/investigative information not relevant part of criminal history data excluded from CCH data inquiries originated from non-criminal justice agencies? 20.21(f)(2)  
20.21(g)(6)  
20.3(b)  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Comment:

D16. Does your agency in compliance to individual's right to access and review of criminal history record information extend this review to data contained in intelligence, investigatory or other related files? 20.21(g) (6)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D17. How are other agencies, both served and not served by your terminal, advised of the results of their CCH inquiries? 20.21(b)  
20.21(f)

Comment:

D18. Does your agency issue to individual applicant an official certification of no criminal record? 20.21(c) (3)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D19. Does your agency use specific numeric identifiers to provide positive identification links between information disseminated and the hard cover record of the offender from which the information was extracted? 20.21(a) (1)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

D20. To help maintain the quality of positive identification of the individual, does your agency include the standard fingerprint classifications with the CCH inquiries or disseminations? 20.34(3)  
20.31

Yes  No

Comment:

D21. To stabilize the identification link of the offender in the criminal justice transactions, does your agency include the State identification number (SID) in the CCH message? 20.34(2)

Yes  No

Comment:

SS1. Is any person who has been convicted of a felony 20.21(f)  
crime allowed to operate your department's  
terminal accessing CCH data or otherwise have  
access to criminal history information within  
your department?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

SS2. Have you performed background checks on your 20.21(f) (5)  
personnel who have access to the terminal or (6)  
criminal history information?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

SS3. Is the terminal user identified in the message 20.21(f) (5)  
when CCH terminals are being used?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

SS4. Are all computer terminals programmed to log the 20.21(f) (1)  
identity of all users, and date of access? 20.21(f) (6)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

SS5. Does your department have a current (signed by \_\_\_\_\_ ) agreement on the use of CCH data in effect? 20.21(b)(3)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

SS6. To comply with the rules and regulations, did your agency complete a certification checklist with SAC? 20.21(b)(3)  
20.23

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

SS6a. Does your department make inquiry whether the accessing agency has been issued certification to receive criminal history data? 20.21(f)(6)  
(9)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

SS7. Does your department maintain (ref. #D12) secondary dissemination logs of CCH inquiries? 20.21(c)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:



SS8. If CCH dissemination logs are maintained, are they periodically verified to ensure the validity of the requests processed for your department? 20.21(e)

Yes \_\_\_\_\_ No \_\_\_\_\_

By whom are the logs reviewed \_\_\_\_\_

Comment:

SS9. Are logs maintained of identified offenders' right to access to criminal history information? 20.21(e)  
20.21(g) (1)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

SS10. Does your agency have procedures set to provide for the correction/notification of erroneous CCH information to Statistical Analysis Center (SAC)? 20.21(a) (1)  
20.21(g) (5)

Yes \_\_\_\_\_ No \_\_\_\_\_

Comment:

APPENDIX F

STATE OF HAWAII

GUIDELINES OF OPERATIONAL PROCEDURES  
FOR INDIVIDUAL ACCESS AND REVIEW  
OF CRIMINAL HISTORY RECORD INFORMATION

AS DETERMINED BY

ATTORNEY GENERAL

December 1, 1975

GUIDELINES OF OPERATIONAL PROCEDURES  
FOR INDIVIDUAL ACCESS AND REVIEW OF  
CRIMINAL HISTORY RECORD INFORMATION

1. AUTHORITY - Pursuant to United States Department of Justice Regulations (28 C.F.R. Section 20.1 et seq.) all criminal justice agencies (as defined in 28 C.F.R. Section 20.3(c)) must insure an individual's right to access and review of criminal history record information for purposes of accuracy and completeness (28 C.F.R. Section 20.21 (g)).
2. VERIFICATION OF IDENTITY - Access and review of an individual's criminal history record information shall be permitted only after the individual has presented satisfactory verification of identity in the form of a sworn authorization and proof of identity (e.g., driver's license, I.D. card). Each criminal justice agency may optionally require a fingerprint comparison.

3. ACCESS AND REVIEW

- a. Agency, time, and place.

Upon presentation of satisfactory verification, all criminal justice agencies must permit the individual the right to examine his criminal history record information on file. Such access shall only be permitted during normal office hours unless otherwise specifically authorized.

- b. Copies and Fees.

The individual may obtain a copy of the criminal history record information at prescribed fees only when it is the intent of the individual to register a formal challenge that the criminal history record information contains erroneous data and the copy is required to adequately prepare the challenge. The copy shall be marked or stamped to indicate that it is for review and challenge only and that any other use would be in violation of Federal Law (42 U.S.C. §3701 et seq.).

- c. Counsel.

An individual may allow an attorney to review his criminal history record information. The individual must sign a notarized statement which grants permission to the attorney to review his criminal history record information. In addition, the attorney must agree to disclose the criminal history record information only to the individual.

d. Explanatory Material.

If an entry in the criminal history record information is ambiguous, the individual may submit explanatory materials and request that explanatory remarks be added to the record. Entries are ambiguous if they tend to lead a reasonable person to ascribe conflicting definitions to the information. Explanatory materials may include: written statements; certified copies of official documents; legal briefs and memoranda; court orders and opinions; or any other non-printed materials (e.g., photographs, fingerprint records).

4. CHALLENGE, ADMINISTRATIVE REVIEW, AND APPEAL

a. Form and Method of Challenge.

If the individual finds that any of the entries made in the criminal history record information which refers to him are inaccurate or incomplete, he may request the respective agency with custody or control of the information to amend or supplement that information. The individual shall be informed of the agency's decision within ten working days after the request. Should the agency decline so to act or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual may request in writing for administrative review of the decision. The request shall provide a concise statement of the alleged deficiencies of the information, shall state the date and result of any review by the agency, and shall append a sworn verification of the facts alleged in the request signed by the individual.

Each criminal justice agency shall designate an administrative review officer(s) who will evaluate each request and shall determine, based upon the evidence, whether there is prima facie evidence that the information is inaccurate or incomplete. Should the Administrative Review Officer find that there is insufficient evidence, the Officer shall issue written findings and conclusions which will state to what relief the Officer believes the individual is entitled.

b. Corrections and Notification of Error.

If corrections, amendments, or additions to the criminal history record information are recommended, such changes shall be entered and the individual will be provided upon request a list of all non-criminal justice agencies which have received copies of the information.

Notice of corrections, amendments, or additions to the criminal history record information must be sent to all criminal justice agency recipients.

The names of agencies to which corrections were sent and the date that the notifications were released will be recorded by the agency originating the corrections.

c. Appeal to Privacy Committee.

If the individual wishes to appeal the Administrative Review Officer's decision to the Privacy Committee, such appeal shall be governed solely by Chapter 92, Hawaii Revised Statutes (Administrative Procedure Act). The Privacy Committee shall be the final administrative decision maker from which the individual may resort to legal remedies.

5. INFORMATION NOT SUBJECT TO REVIEW - The individual's right to review shall be limited to criminal history record information (as defined by 28 C.F.R. §20.3(b)) and shall not extend to data or information contained in intelligence, investigatory, or other related files (28 C.F.R. §20.21(g)(6)).

APPENDIX G

STATE OF HAWAII

INSTRUCTIONS TO

CRIMINAL JUSTICE AGENCIES

AND

AGREEMENT

March 15, 1976

INSTRUCTIONS TO CRIMINAL JUSTICE AGENCIES

It is envisioned that on occasion, criminal justice agencies will enter into specific agreements with individuals and agencies to provide services for the administration of criminal justice, or to engage in research, evaluation or statistical activities.

In order to assure the security and confidentiality of all criminal justice data, the following agreement will be entered into between the criminal justice agency and the contracting individual or agency.

AGREEMENT

THIS AGREEMENT, entered into as of the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_, by and between the  
\_\_\_\_\_  
hereinafter referred to as Criminal Justice Agency,  
and \_\_\_\_\_, the address of  
which is \_\_\_\_\_,  
hereinafter referred to as User Agency,

WITNESSETH:

In consideration of the mutual promises  
hereinafter set forth, the parties agree as follows:

1. Purpose of Agreement. Criminal Justice  
Agency and User Agency have previously entered into a  
separate agreement, dated \_\_\_\_\_,  
whereby \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Pursuant to that agreement, Criminal Justice Agency agrees to disseminate to User Agency all criminal history record information which User Agency requires in order to carry out said agreement.

2. Limitations on Use of and Access to Information. User Agency agrees to limit the use of any criminal history record information disseminated to it by Criminal Justice Agency to the express purposes for which the information was given, as set out in the agreement between the parties dated \_\_\_\_\_, 19\_\_\_\_.

User Agency further agrees to limit access to information furnished by Criminal Justice Agency to its own employees. Under no circumstances will User Agency disseminate such information further. When the purposes for which the criminal history record information is disseminated to User Agency as satisfied, such information must be returned to Criminal Justice Agency.

3. Personnel. User Agency warrants that all of its personnel have, or will be, so screened as to prohibit access to any criminal history record information by "restricted persons." A person is a "restricted person" if he or she has been convicted of a crime which could have resulted in a sentence to a federal or state penitentiary, although requests for extraordinary circumstance exceptions to this requirement may be granted if promptly submitted in writing to the Attorney General of the State of Hawaii.

4. Laws and Rules to be Observed. User Agency at all times will observe and comply with all Federal, State and local laws or ordinances, and all rules, policies and procedures promulgated by Federal, State and local governments or their representatives, in any manner affecting the conduct of its work and the security and privacy of criminal history record information. The pertinent laws, ordinances, rules, policies and procedures are attached hereto as Exhibit A and incorporated by reference to this Agreement.

User Agency shall also indemnify and save harmless the Criminal Justice Agency and its officials and employees, as well as the State of Hawaii and its political subdivisions and any of their employees from any and all claims arising from the violation of any such law, ordinance, rule, policy or procedure by User Agency or any of its personnel.

5. Indemnification. User Agency will indemnify and save harmless the State of Hawaii and its political subdivisions and any employees thereof from and against all claims, demands, actions, suits and proceedings by others; against all liability to others, including, but not limited to, any liability for damages by reason of or arising out of any false arrest or imprisonment or any cause of action resulting therefrom, arising out of our involving any negligence on the part of User Agency

or its employees, in the exercise or enjoyment of this Agreement.

6. Sanctions

a. Suspension of Information - Violation of any provision of this Agreement may cause immediate suspension of User Agency's authorization to use and have access to criminal history record information furnished by Criminal Justice Agency. Reinstatement will be effected only upon demonstration by User Agency that the violation did not occur or was corrected. Final determination as to the reinstatement of the User Agency so suspended will be the responsibility of the Attorney General of the State of Hawaii.

b. Other Penalties - Violation of any laws, ordinances or rules which User Agency agrees to comply with will subject User Agency to applicable penalties in those laws, ordinances or rules.

7. Termination of Agreement. This Agreement may be terminated at any time by either party upon \_\_\_\_\_ days notice in writing served on the other party.

The User Agency certifies that it has read attachment A; that it knows and understands its requirements; that it agrees to abide by them.

IN WITNESS WHEREOF, the Criminal Justice Agency and User Agency have executed this Agreement as of the date first written above.

Criminal Justice Agency:

\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

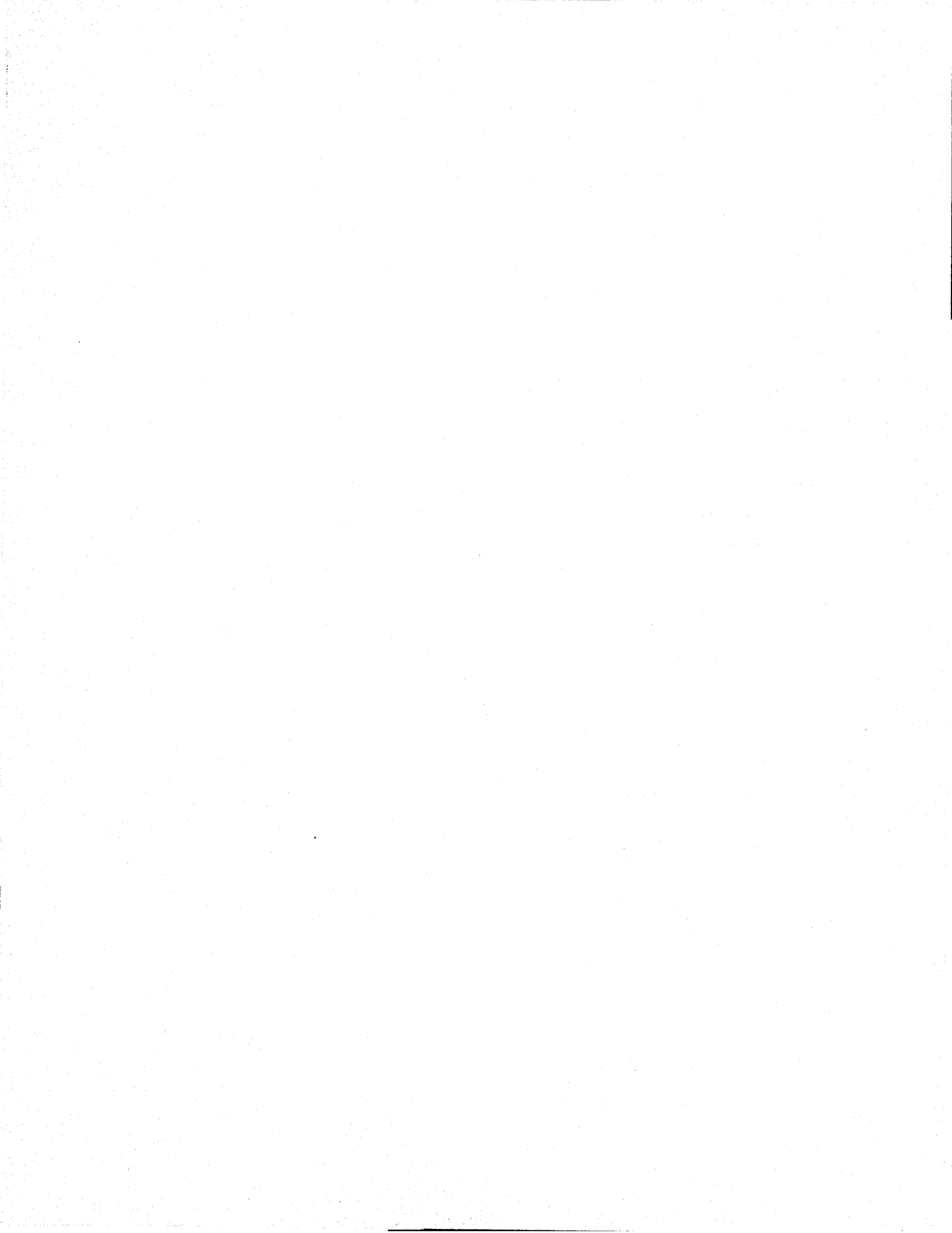
Date: \_\_\_\_\_

User Agency: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**END**