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COMMONWEALTH OF KENTUCKY  
DEPARTMENT OF JUSTICE

FRANKFORT

May 31, 1978

OFFICE  
OF THE  
SECRETARY

Ms. Carol G. Kaplan  
NCJISS/PSS  
Law Enforcement Assistance Administration  
633 Indiana Avenue  
Washington, D. C. 20531

Dear Carol:

Pursuant to the rules and regulations promulgated on Tuesday, December 6, 1977, in the Federal Register, Volume 42 232 amended to 28 CFR Part 20, Criminal Justice Information Systems, the Commonwealth of Kentucky hereby formally submits an update to its Privacy and Security Plan previously submitted to you on March 12, 1976.

The Privacy and Security Plan takes into account legislative and administrative occurrences that have taken place since March 12, 1976, and provides an implementation time table for the remaining requirements as specified in 28 CFR Part 20.23.

If there are any questions regarding this matter, please contact Vance Arnett, Bureau of State Police, area code 502, 564-7436.

Respectfully,

*John L. Smith*  
John L. Smith  
Secretary

Enclosures

cc: Deputy Secretary Raymond Kottak  
James M. Baker, General Counsel  
Nancy Black, Executive Assistant  
Ronald J. McQueen, Administrator, EOSS  
Don James, LEAA - Washington  
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NCJRS

JUN 15 1978

ACQUISITIONS

THE  
X KENTUCKY PLAN FOR PRIVACY AND SECURITY  
OF  
CRIMINAL HISTORY RECORD INFORMATION

Update May 31, 1978

John L. Smith  
Secretary  
Department of Justice  
Commonwealth of Kentucky

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## INTRODUCTION

Since 1976, several historical and developmental events have taken place within the Commonwealth of Kentucky which require that the submitted Kentucky Security and Privacy Plan for Criminal Record Information be updated. This document contains a description of these events and how they relate to the revised development schedule for operational aspects of securing and protecting the integrity of all criminal history record information held within the Commonwealth. The basic goals and objectives which were outlined in the original plan have been retained. They will be repeated here only to familiarize the reader with the approach to be utilized.

To facilitate the organization of this update the basic format utilized in the original plan will be retained. Each section of the report will contain those changes which directly affect that particular security and privacy activity. Finally, a revised implementation schedule will be offered. Attached to this implementation schedule the reader will find a list of the critical events and dates which have affected the development of security and privacy objectives and index citation to that portion of the plan affected.

## GOAL AND OBJECTIVES OF THE PLAN

### Goal

The goal of this plan is to assure that criminal history record information, wherever it appears, is collected, stored and disseminated in a manner to ensure the completeness, integrity, accuracy and security of such information and to protect individual privacy.

### Objectives

The objectives of the Security and Privacy Plan are:

1. To insure the collection, maintenance, dissemination and completeness of criminal history record information;
2. To insure the collection, maintenance, dissemination and use of accurate and up-to-date criminal history record information;
3. To limit dissemination to agencies and individuals, described by state and federal statute or regulation, authorized access to criminal history record information;
4. To insure that appropriate records are retained to facilitate audits of a representative sample of state and local criminal justice agencies to verify adherence of state and federal statutes and regulations governing criminal history record information;
5. To insure confidentiality and security of criminal history record information by providing reasonable protection from unauthorized access or destruction by man-made or natural forces;
6. To insure the individual's right to access and review his/her criminal history record information only for purposes of accuracy and completeness;
7. To provide the individual the right to challenge inaccurate criminal history record information, implement procedures for correcting inaccurate information and notify all recipients of corrected information;
8. To implement rules, regulations and operational procedures that facilitate the privacy and security of all criminal history record information; and
9. To insure compliance of those to be affected by the rules, regulations and procedures in all aspects of criminal history record information.

## APPROACH TO ACHIEVING THE OBJECTIVES

The original approach to achieving security and privacy objectives has not been greatly altered. There has been, however, a shift in emphasis from one directed toward the total automation of a system at this stage in time to a more conservative effort directed toward increasing agency contributions, verification of information and other steps designed to ensure that all information held in manual mode is accurate and up-to-date. Once this particular system has been effectively established; then the gradual and planned shift to the automated mode can be achieved. It should not be taken that the Commonwealth does not intend to automate at some point in time. Indeed, from the very beginning, a systems analyst will be employed to help design the more efficient and reliable manual system with the thought that all procedures and format will be later converted for automation. However, the philosophy of the development team is cleansing the present data base of problems before compounding them by automation. Once the flow of information is established on a regular basis, and the procedures become standardized for the handling of such data, then a unified effort can be directed toward the benefits of increased speed, accuracy and capacity which automation provides.

Utilizing this approach is an attempt to design out as many security and privacy problems as possible as the system is being established. The particular resources and activities directed toward these individual objectives will be enumerated under each separate heading. Many of the activities will satisfy several objectives. To facilitate the presentation of data each section will include a task development table which will include all resources, activities, immediate expected results and the objectives to be served.

### Completeness and Accuracy

At the time of the original plan in 1976, completeness and accuracy was one of the most pressing and critical problems confronting the collection and storage of criminal justice information. The philosophy of the Commonwealth is that the most important facet of any activity directed toward criminal records keeping should be geared to having the right information submitted in a minimum time period following the incident. This means that from the very first point an individual comes in contact with the Kentucky Criminal Justice System, it is the responsibility of each contributing agency to capture adequate and correct data concerning the incident and the person for further processing as the individual moves through each stage of prosecution. It follows logically that if any portion of the processing goes unrecorded the entire record exists as incomplete and therefore is inaccurate.

In June of 1976, Kentucky adopted two pieces of legislation which were related to public agency records systems. The first amended KRS Chapter 61 and was related to any record system containing personal information on citizens. It has become known as the Open Records Law and the essential impact was to establish policy for public inspection of records either by the data subject or by anyone stating a specific purpose for reviewing another individual's record. Criminal record information, except for non-conviction data, was included within the purview of this act. The immediate impact was to place an even greater responsibility on individual agencies to certify that any information kept was accurate and timely. The second piece of legislation amended existing KRS Chapter 17 and established the authority and responsibility for a centralized criminal justice information system. The information contained in the central repository files was not open for public inspection by anyone other than the data subject. Both pieces of legislation, plus amendments made to the same chapters by the 1978 Regular Session of the Kentucky General Assembly, will be covered specifically later in this document. Suffice it to say here that the legislative changes have served to underline security and privacy procedures and considerations. Several of the situations reflected in this update have come about as a result of this legislation.

Even though the Federal Regulations have direct applicability only to those agencies who have accepted funds for information development, the major thrust of activity in this area has been directed toward all criminal justice agencies within the Commonwealth. To accomplish this end, the Bureau of State Police as established in KRS Chapter 17 will maintain and operate the Kentucky Central Repository for Criminal Record Information. The Chapter gives the Department of Justice the authority to adopt administrative regulations concerning the collection, storage and dissemination of criminal record information. The Chapter also directs that criminal justice agencies shall submit all information needed to operate an accurate and up-to-date system. It is because of this statutory authority that the first major step toward the establishment of the repository will be directed toward increasing the number of agencies contributing information. The following table outlines the major tasks associated with this effort.





# ACCURACY AND COMPLETENESS

INPUT	ACTIVITIES	IMMEDIATE RESULTS	OBJECTIVES
<p>PERSONNEL:</p> <ul style="list-style-type: none"> <li>.Hire additional positions to provide 24-hour coverage.</li> <li>.ID Officers for verification and file clerks to handle increased contributions.</li> <li>.Systems analyst for manual and automated systems design.</li> </ul> <p>PROCEDURES:</p> <ul style="list-style-type: none"> <li>.Consultation with Courts for direct disposition reporting via uniform citation tracking.</li> <li>.Legal expertise for drafting of Administrative Regulations.</li> <li>.Consult with contributing agencies for best statewide auditing procedures.</li> </ul> <p>FISCAL:</p> <ul style="list-style-type: none"> <li>.1978-80 State Budget allocation directed toward Central Repository Development.</li> </ul>	<p>Enforce reporting by Criminal Justice agencies under KRS Ch.17.</p> <p>Make necessary agreement with Courts for direct Disposition Reporting.</p> <p>Establish Administrative Regulations concerning:</p> <ul style="list-style-type: none"> <li>.administrative appeals process</li> <li>.conformity in information stored</li> <li>.verification before dissemination</li> <li>.minimum file security and composition</li> </ul> <p>Deliver training to ID and criminal justice records specialists throughout the state concerning verification and audit procedures.</p> <p>Establish procedures for random audit of state and contributing agency holdings.</p>	<p>Increase in Reporting</p> <p>More timely reporting</p> <p>Establishment of a more complete data base.</p> <p>Uniform and mutually understood procedures and requirements for reporting and storing criminal record information.</p>	<p>Insure collection, maintenance, dissemination, completeness of record information.</p> <p>Insure accurate, up-to-date information.</p> <p>Limit dissemination of information..</p> <p>Insure appropriate records for audits.</p> <p>Protection from unauthorized access or destruction.</p> <p>Insure individual's right to access and review information for accuracy and completeness.</p> <p>Provide individual right to challenge inaccurate information, implement correction procedures, notify recipients.</p> <p>Implement rules, regulations, and procedures that facilitate privacy and security of all information.</p> <p>Insure compliance to rules, regulations, and procedures.</p>

## REGULATORY DEFINITIONS

"Complete" means, in general, that arrest records should show all subsequent dispositions as the case moves through the various components of the criminal justice system.

"Accurate" means, containing no erroneous information of a material nature.

"Criminal history record information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation or dissemination of criminal history records.

"Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and any disposition arising therefrom, sentencing correctional supervision and release. Such information is restricted to that recorded as the result of the initiation of criminal proceedings or of any consequent proceedings related thereto. 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; nor does it include intelligence, analytical and investigation reports and files, or statistical records and reports in which individuals are not identified and from which their identities are not readily ascertainable.

"Criminal justice agency" means: (i) courts; (ii) a governmental agency or any subunit thereof which performs the administration of criminal justice pursuant to statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

The "administration of criminal justice" means performance of any of the following activities: detection, apprehension, pre-trial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons and criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

"Disposition" means information disclosing that a phase of criminal proceedings has been concluded, including information that a prosecutor has elected not to commence criminal proceedings, the nature of the termination in the proceedings, that proceedings have been indefinitely postponed, and the reason for such postponement. Dispositions shall include acquittal, acquittal by reason of insanity, referral to a detoxification center, mental hospital or release from medical treatment, charge dismissed, guilty plea, charge dismissed due to mental incompetence, convicted, youthful offender determination, deceased, found mentally

incompetent, pardoned, probation before conviction, sentence commuted, charges filed away with leave to reinstate, mistrial-defendant discharged executive clemency, commutation and pardon, placed on probation, paroled, release from correctional supervision, shock probation or any decision not to prosecute after arrest but before court proceedings.

"Interstate systems" means agreements, arrangements and system for the interstate transmission and exchange of criminal history record information. Such systems shall be understood not to include record keeping systems in the state maintained or controlled by any state or local agency, or a group of such agencies, even if such agencies receive or have received information through or otherwise participate or have participated in, systems for the interstate, exchange of criminal history record information.

"Identification data" means but is not limited to: name, including aliases, if any, address at time of arrest, date of birth, fingerprints, photographs, physical description data, and Kentucky State Police identification number, Federal Bureau of Investigation number, local police department or case file numbers, or any other unique identifier.

SUMMARY OF KENTUCKY LEGISLATION  
DEALING WITH OPEN RECORDS

In 1976, the Kentucky General Assembly adopted an open records statute which is found in KRS 61.870 to 61.884. See Exhibit 1. Basically, this legislation makes all records open for investigation by any person except those records specifically identified in the act or those records which are prohibited from disclosure by federal law, state law, or regulations thereof. Kentucky administrative regulations implementing the Open Records Law in Kentucky are attached as Exhibit 2. In order to protect certain law enforcement records from public disclosure, the 1976 General Assembly also adopted legislation creating a centralized criminal history record information system in the Department of Justice. The centralized criminal history records are not subject to public inspection. Additionally, intelligence and investigative reports maintained by criminal justice agencies are subject to public inspection providing prosecution is complete or a determination not to prosecute has been made with certain exceptions.

One new restriction placed upon the collection of criminal history information was imposed by the 1978 General Assembly in Senate Bill No. 64 which excludes the Court of Justice from being required to furnish criminal history records except by agreement between the Chief Justice and the Secretary of Justice. A copy of KRS Chapter 17 and Senate Bill No. 64 are attached as Exhibits 3 and 4.

Additionally, certain information obtained by probation, parole, or conditional release officers is privileged information pursuant to KRS 439.510 and pre-sentence reports pursuant to KRS 532.050. Copies of those statutes are included as Exhibits 5 and 6.

## OUTLINE OF PROPOSED ADMINISTRATIVE REGULATIONS

Since any proposed administrative regulations in Kentucky must be filed and reviewed by an Administrative Regulation Subcommittee before being adopted as required by law, it is requested that the outline be reviewed and any proposed changes submitted to the Department of Justice prior to the filing of any administrative regulations. This will avoid the necessity of revising regulations if adopted and if certain requirements which LEAA feels are necessary have not been included. Listed below is an outline of proposed administrative regulations.

- I. Contributing agencies to Central Repository - Each agency listed in KRS Chapter 17
  - A. Maintain Files in a Secure Manner
    - 1) Protect against destruction due to fire or other natural causes.
    - 2) Limit the file area to personnel with a need-to-know basis.
    - 3) Audit files periodically for accuracy and timeliness of information.
  - B. Submit a copy (violator) of the uniform citation for all felonies along with two copies of a fingerprint card prepared at the time of arrest. A citation will be issued for each charge but not each count of a similar violation. (Enforcement agencies only). In the case of corrections, a fingerprint card must be submitted to the Central Repository within 10 days after receipt of the individual at LaGrange.
  - C. Participate in periodic information audits conducted by Central Repository personnel to determine the accuracy and dissemination of information from the agency.
  - D. Provide all information requested on the State Police fingerprint identification card within 10 days of the arrest.
  - E. Cooperate in periodic Department of Justice training programs related to improving the quality and timeliness of information submitted to the Central Repository.

II. Personnel security - all agencies coming in contact with Central Repository information

- A. Secure from their employees a non-disclosure agreement.
- B. Develop and publish procedures for the dissemination of information to non-criminal justice agencies.
- C. Conduct investigations of all employees coming in contact with Central Repository information.
- D. Instruct personnel in procedures for handling information marked as Central Repository information.

III. Dissemination of information - restrictions  
No Agency Shall:

- A. Disseminate information marked Central Repository in any form as received from the repository.
- B. Disseminate any information without first verifying information against the repository file.
- C. Disseminate information without logging the date, time, and the purpose and name of the individual making the request.
- D. Make the Central Repository reporting abstract part of any permanent file maintained by that agency.
- E. Maintain any Central Repository information in a non-secure manner.

IV. Administrative appeals process for correction of erroneous information

- A. Procedures for initiating an appeal.
- B. Agency responsibilities in the appeal process.
- C. Resolution of appeal.

## CENTRAL STATE REPOSITORY UPDATE

At present, the Kentucky State Police Identification Unit has been serving as the state's central repository. As of July 1, 1978, a separate unit within the Kentucky State Police will be created and titled the Kentucky Central Repository for Criminal Record Information. The main purpose of the repository will be to serve criminal justice agencies within the state while preserving a high level of file security. By virtue of KRS Chapter 17 all law enforcement agencies must submit the required information to maintain a centralized criminal information system. The repository will embody this function and act to enforce all provisions of statutes related to the criminal records effort. It should be emphasized that the Kentucky State Police operations unit will submit information to the Central Repository just as would any other contributing agency in the state. The repository files are not meant to replace existing State Police record systems. Those files related to State Police arrests will be maintained within the Identification Unit as they have in the past.

The Identification Unit, while separate, will still serve the important function of acting as the chief verification authority through the use of fingerprints submitted at the time of arrest, and at the time the individual is first received upon sentencing into the correctional system.

In order that information be submitted in a standardized and uniform manner that can be tracked with the main through the system several new procedures will also be established on July 1, 1978. Through a joint effort of the Kentucky Department of Justice and the Administrative Office of the Courts, every officer within the Commonwealth as of July 1, 1978, will be required to issue a uniform citation for all felony arrests. The Uniform Citation is already in existence for traffic and some non-traffic offenses. As established currently, the copies of the citation are routed from the courts directly to the issuing agency upon final disposition. The use of a citation for felonies utilizes an existing operational reporting system to provide direct court to repository disposition reporting. This can be accomplished with the present citation format without duplication of any kind. The use of the citation will also provide a single tracking number which can be used by all agencies. The citation number is issued at the time of arrest. The same number is permanently inscribed on all copies, thus the courts receive the charge and report the disposition using the same form with the same number. The ability to track the individual offense and person gives several opportunities for auditing at different points during the processing. At the very least it gives the law enforcement, courts, and corrections a common number to be utilized when referring to the individual in relation to a specific charge. The procedures and instructions for the use of the citation for such purposes, will be jointly promulgated through Supreme Court Rules and the Department of Justice Administrative Regulations.



To meet the demands of increased reporting, the Central Repository will be equipped for 24-hour processing of fingerprint cards and citations for felony arrests. A major function of the file development which will begin on July 1, 1978, will center on a combined public relations approach to helping agencies gear up for total reporting. Clinics will be designed to instruct records professionals in the new procedures required to accomplish a standardization of the following:

- 1) maintain contributing records to a standard in support of periodic audits;
- 2) information routing;
- 3) new information requirements needed to identify individuals and provide offender information;
- 4) mandatory security standards;
- 5) increase the skills in information collection, including fingerprint collection, photograph, and interview techniques.

A standardized procedure will also be established via the proposed Administrative Regulations for the verification and certification process. Most contributing agencies have a policy at present which states that no information will be released unless it is verified to source. As regards the Central Repository, no information will be provided for inspection or disseminated unless it has been verified against contributing agency holdings. In the event that the contributing agency wishes to release information which has been obtained from the repository, all data must be verified with repository holdings before release. The verification process will ensure that the dissemination of erroneous information will be kept to a minimum.

To support the verification and collection process, an audit system will be established to become effective as of January 1, 1979. The audit system will consist of periodic random auditing of repository and contributing agency holdings. In addition, anytime a request for review of record is received an audit of all information collected and disseminated on an individual will be conducted to certify that as little erroneous information is disseminated as possible.

Quality control of the information will be assured not only through the periodic audit of information, but through the streamlined reporting procedure inherent by the use of citation. It will be possible to insure that all entries are made within 90 days by comparing the date on the original citation copy received. If it has been more than 90 days since the last entry, the records auditor will know that the citation needs to be tracked and the correct court or correctional disposition obtained.

Although it will be covered in later sections of this update, it is opportune to discuss briefly the review and challenge process. The Administrative Regulations to be developed will standardize the procedure for appealing any erroneous information discovered by the data subject. At present, draft regulations suggest the philosophy that this should be handled through the Attorney General's Office. At present, most agencies required to comply with the federal regulations have had an administrative appeal process for sometime. They have handled the problem through a combination of administrative review and court appeal although no significant cases have been generated for a lack of the agency being reluctant to purge or correct erroneous information.

## SECURITY

Security of criminal records information is a many faceted concept. As complex an idea as the security of such information is, however, from an operational standpoint it means only one thing and that is protection. The protection effort must be directed not only towards limited personnel access, but to combat as well such hazards as are imposed by fire, flood, severe weather conditions, and other forms of natural destruction. To completely secure a records system from such potentially destructive intrusions the entire range of possibilities must be considered. The following description of activities directed toward the physical and personnel security precautions are intended to familiarize the reader with what is presently being accomplished toward this effort. For any future program development all potential hazards will be an essential planning element.

Some explanation is required in reference to the original plan statements on hardware/software security provisions as well as computer operations facility security. All the information contained in the original document is still valid and correct. However, as explained in an earlier section of this document, the emphasis for the near future is to concentrate on developing a secure and up-to-date information base in manual mode. The following information relates to security of the unit that will contain this manual system. As the effort to cleanse the data base and increase the arrest and disposition reporting progresses and the total system moves toward the automated format, the security of hardware/software and computer facility will be considered.

The discussion for the state's security effort will center on the precautions taken both procedurally and physically in relation to the Central Repository. For minimum standards required for contributing agencies please reference the certification statements and the section of this document concerned with Administrative Regulations. The following chart describes the tasks necessary to achieve maximum security for the manual mode system.

## PHYSICAL SECURITY

Alterations are scheduled for the area to be occupied by the Central Repository which will insure the security of the area against unauthorized entry. These alterations which will be completed by August 1, 1978, will consist of a full security wall equipped with an electronic locking door which must be activated by the security personnel on duty to allow entry. In addition, plans call for the use of 24-hour control of the area. Personnel are being hired which will afford 24-hour capability in the records area. In essence, someone will always be available. In addition to the repository personnel, the Capital Police provide security service after normal duty hours. No one will be permitted into the repository area unless they have visible on their person the current identification card. This card will bear the individual's picture, the access classification (see attached), and the effective data. These badges will be changed periodically to provide protection against unauthorized reproduction.

Administrative Regulations shall be devised and promulgated by the Department of Justice applicable to all contributing agencies listed in Chapter 17 which will establish minimum security requirements for all criminal records files maintained in support of the Central Repository file. These standards will relate to:

- 1) files maintained in locked cabinets or file area under security control;
- 2) file area has an established fire prevention and control plan;
- 3) file area is controlled for unauthorized access;
- 4) all personnel working in file area have been investigated prior to contact with file system.

In an attempt to protect files from natural disaster, the Central Repository will make arrangements with the local fire department to evaluate the location and establish an emergency action plan for fire protection and control. The repository will be equipped with enough multi-purpose fire extinguishers to pose an effective control activity. In addition, the installation of no-smoking areas and smoke detection devices within the facility will allow advance steps associated with fire prevention. Procedures will also be drawn for emergency action in case of severe weather conditions posed either by excessive snow accumulation and/or irregular climatic situations such as severe thunder storms and tornados. The facility is located well above any flood threat.

## Personnel Security

All individuals coming in contact with the Central Repository information will have been investigated and cleared for such exposure prior to contact. This does not simply refer to the file area and access but to the actual information. This limitation will extend to those agencies within the Criminal Justice System which would receive information from the Central Repository. All information disseminated will be clearly labeled with dissemination instructions preprinted. As a matter of procedure, the status of all individuals coming in contact with Central Repository information shall be reviewed during the periodic audit. The impetus of this action is not to prevent anyone from maintaining employment. The action will be directed toward insuring that all individuals with access to the information have a need to know due to employment responsibilities. By limiting the number of individuals who have access, the number of potential file alterations can be better controlled.

It is the current practice within the Central Repository and the State Police Identification Unit that all personnel be required to complete the standard nondisclosure agreement which was attached to the original privacy and security plan. As can be ascertained from the attached certification statements, most agencies have similar devices to insure that only those personnel who have a need-to-know have access to centralized files.

## Dissemination of Information

It is current practice within the Department of Justice that criminal record information is not released without verification to the degree possible at this time. No information is disseminated from the Central Repository to agencies other than criminal justice agencies and data subjects. Upon request from a criminal justice agency, steps are taken to insure that the information is controlled. In the case of an officer making a personal appearance, adequate identification must be shown and the officer's identity is checked via telephone prior to dissemination of information. When requests are made over the telephone different procedures are utilized. Each officer making the request is told that the information will be supplied to he or she through their department. Kentucky has a pre-trial release program established through the Administrative Office of the Courts. The pre-trial release officers who make judgments on bail and release constitute the largest group of requests for record checks received to date in the Central Repository. Each has a specific identification number. The officer calls and requests the information by using their number and name. The check is made and the call is returned to a predetermined number. Dissemination logs are maintained for all information released. This information contains not only the identification of the

individual requesting, but the purpose and data subject's file reference number. In the case of pre-trial release officers, the number of requests and the subjects investigated can be checked by month. The records for the officer and the dissemination log must match. When the uniform citation tracking number becomes fully operational, it will be possible to reference inquiries to individual encounters the data subject has had with the Criminal Justice System.

To increase employee awareness and professionalism, a series of instructional clinics will be developed related to security procedures. Each agency will be responsible for conducting periodic review of the security procedures utilized by the agency in regards to requirements suggested by the Central Repository and agency regulation..

Through the implementation of the above steps, the security of not only the installation where the records are kept, but the information itself will be more uniformly applied across the Commonwealth. As was stated earlier, as the manual system is devised and the data base established, the step toward automation becomes closer. At that point in time when system design begins, all hardware/software and computer security will become part of the planning package.

# PHYSICAL AND PERSONNEL SECURITY

INPUT	ACTIVITIES	IMMEDIATE RESULTS	OBJECTIVES
<p>PERSONNEL:</p> <ul style="list-style-type: none"> <li>.Hire field information officers for enforcement of administrative regulations related to file security.</li> <li>.Hire positions for 24-hour repository coverage.</li> <li>.Personnel needed to make physical changes in repository area.</li> </ul> <p>PROCEDURES:</p> <ul style="list-style-type: none"> <li>.Consultation with fire department and emergency action plan for repository.</li> <li>.Consultation with legal staff Department of Justice for promulgation of administrative regulations related to minimum security standards.</li> <li>.Consultation for controlled areas to area of records storage.</li> </ul>	<p>Make necessary physical alterations to secure repository facility.</p> <p>Establish security badge system to control access to repository area.</p> <p>Equip and train repository personnel in fire prevention and control.</p> <p>Establish emergency action plan for any agency who holds criminal record information.</p> <p>Develop and promulgate administrative regulations which establish minimum standards for file security.</p> <p>Establish periodic inspections of contributing agency facilities and security policies.</p> <p>Retrain records personnel periodically in security procedures.</p>	<p>More secure central repository through area control.</p> <p>Greater protection from loss of records due to fire or other natural emergency.</p> <p>Establishment of minimum standards for security of contributing agency files.</p> <p>Overall, greater confidence in information by securing files against unauthorized access.</p>	<p>To insure confidentiality and security of criminal history record information by providing reasonable protection from unauthorized access or destruction by man-made or natural forces.</p> <p>To implement rules, regulations, and operational procedures that facilitate the privacy and security of all criminal history record information.</p> <p>To insure compliance of those to be affected by the rules, regulations, and procedures in all aspects of criminal history record information.</p>

## INDIVIDUAL RIGHT TO ACCESS AND REVIEW

As explained in the section which dealt with the current legislation governing the accessibility of records maintained by state agencies, criminal records fall in two distinct categories. The first are those records which are maintained in the Central Repository which are open for review only to the data subject. Until such time as the Administrative Regulations previously described are promulgated the Bureau of State Police will have an internal policy (see attached) which will regulate the review process. The policy included here has been in effect since March 1976. An individual may review his record and request a challenge of information. The attached document outlining the procedures was constructed when the State Police Identification Unit was serving as the repository. As of July 1, 1978, the responsibilities for providing the records and reviewing the challenges will be directed toward the Central Repository. All errors detected in the process will be extensively researched and all contributing agencies will be contacted prior to placing the file back into the active repository file. Only when the custodian of the record is satisfied through contact with any agency who has requested the file according to the dissemination log, and all agencies who have contributed to the file have been notified of corrections, will the file be entered into an active status. While the file is inactive, all information disseminated to criminal justice agencies will be qualified with a statement that the information is under audit for correction of an error.

The second major body of records affected are those maintained by the contributing state agencies. These records fall under KRS Chapter 61 and are open for public inspection. The procedures and records must be posted by each agency. At no time will an agency release Central Repository information as part of their file system. The abstract utilized to transmit Central Repository data shall not become part of any record that is less secure than the repository file itself. The original plan submitted contained the procedures already established by each agency that fell under the July 1973 inclusion date.

All criminal records information is available for inspection by the data subject. Each agency maintaining records of this type have procedures published for such review and all agencies covered by the Federal Regulations have posted appeal and challenge procedures until such time as the Administrative Regulations become effective.





# Individual Right to Access and Review

INPUT	ACTIVITIES	IMMEDIATE RESULTS	OBJECTIVES
<p>PERSONNEL</p> <ul style="list-style-type: none"> <li>.Central Repository Custodian and Staff</li> <li>.Department of Justice Legal Staff</li> <li>.Contributing Agency Records Custodians</li> </ul> <p>PROCEDURES</p> <ul style="list-style-type: none"> <li>.Current Agency Policies for Access, Review, and Challenge</li> <li>.Department of Justice Administrative Regulations</li> </ul> <p>FISCAL</p> <ul style="list-style-type: none"> <li>.Agency Funds</li> </ul>	<ul style="list-style-type: none"> <li>.Establish Administrative Review and Challenge Procedures for Central Repository.</li> <li>.Shift Review responsibilities from State Police Identification Unit to Central Repository.</li> <li>.Promulgate Administrative Regulations and publish Procedures for Access to Repository files.</li> <li>.Establish uniform procedures for notification of all agencies of corrections or changes in Repository files.</li> </ul>	<p>Establish Uniform Procedures For:</p> <ul style="list-style-type: none"> <li>.Review of Record</li> <li>.Administrative Review</li> <li>.Challenge of Erroneous Information</li> <li>.Notification of Corrections</li> </ul>	<p>To insure the individual's right to access and review his/her criminal history Record Information only for purposes of accuracy and completeness.</p> <p>To provide the individual inaccurate criminal history record information, implement procedures for correcting inaccurate information, and notify all recipients of corrected information.</p>

OFFICE OF THE COMMISSIONER  
KENTUCKY STATE POLICE  
FRANKFORT

# MEMORANDUM

March 15, 1976

TO: ALL COMMANDERS  
FROM: Commissioner Truett A. Ricks  
SUBJECT: Operational Procedures for Access and Review

On June 19, 1975 Federal Regulations appeared in the Code of Federal Regulations, (Title 28, Chapter 1, Part 20), governing the dissemination of criminal history record information. These regulations were promulgated for the purpose of affording greater protection for the privacy of individuals whose criminal histories are included in the records of the Federal Bureau of Investigation, criminal justice agencies receiving funds directly or indirectly from the Law Enforcement Assistance Administration, and interstate, state or local criminal justice agencies exchanging records with the Federal Bureau of Investigation or any federally funded system. These regulations, then, will be directly applicable to the Kentucky State Police.

Among the various provisions required in the federal regulations, includes the provision that an individual or his counsel, through written authorization from the individual, has the right to access, review, challenge, and request correction of criminal history record information which refers to that individual. Operational procedures designed to satisfy this provision must be implemented not later than March 16, 1976.

The purpose of this memorandum is to detail the operational procedures that will be implemented and identify the duties and responsibilities of those within the Bureau who will be directly affected in the performance of the procedures.

It must first be noted that criminal history records to be reviewed are maintained by the Identification Unit. The locations for record reviews must be

reasonably convenient to the individual requesting such a review in order to conform to the requirements of the federal regulations. Pursuant to this requirement, fifteen (15) of the sixteen (16) State Police Post Headquarters, excluding Frankfort (Post 12), are designated as locations for record reviews. The Identification Unit will serve as the location for record reviews for individuals near Frankfort or the Post 12 area.

The Post Headquarters and the Identification Unit will be required to furnish a written list of procedures for an individual to follow in accessing and reviewing his criminal history record. The written list of procedures will be attached to this memorandum. A "Criminal History Information Review/Challenge" form, containing a "Request for Review" and "Challenge of Record" form, will also accompany the memorandum.

#### OPERATIONAL PROCEDURES

The following will detail the operational procedures in sequential order. It will serve as a guideline for actions to be taken by Post Headquarters, Identification Unit, and any others involved in the implementation of the procedures for individual access and review of criminal history record information. The procedures are outlined as follows:

##### Application for Review of Record.

- . Assist the individual in completing the required form designated "Request for Review." (A duplicate copy should be provided the individual.)
- . Verify the individual's identity by visual recognition or by securing one set of rolled fingerprints from the individual on KSP Form ID 22.
- . Post Headquarters will mail the completed forms to the Identification Unit.

##### Processing of "Request for Review" by Identification Unit.

- . Upon receipt of forms from Post, fingerprints that are submitted will be used by the Identification Unit to verify the individual's identity.
- . The Identification Unit shall take

notice of the date of request for review and schedule the record review within thirty (30) working days of the request date.

- . The Identification Unit shall notify the individual, in writing, of the scheduled date of review.
- . All record reviews will be conducted from 0800 hours to 1600 hours at Post Headquarters and at the Identification Unit.
- . The Identification Unit shall note the date and time of the record review on the last line of the form designated "Request for Review."
- . The Identification Unit shall return the "Request for Review" form, the fingerprints taken from the individual for identity verification, and a copy of the individual's record to the Post Headquarters conducting the review.

#### Review of Record.

- . Post Headquarters should take notice of the scheduled date and time of review as indicated on the "Request for Review" form.
- . The fingerprints taken from the individual for identity verification will be returned to the individual at the time of the record review.
- . Allow the individual to inspect the copy of the record furnished by the Identification Unit. (Reasonable assistance should be provided the individual to assure the record is understandable.)
- . After the individual inspects the record, ascertain if the individual desires to challenge the content of the record.
- . The individual should be informed that a challenge must be initiated within thirty (30) working days of the actual date of review.

- If a challenge is not initiated at the time of the review, the copy of the individual's record will be retained on Post and filed with the individual's "Request for Review" form in a manner convenient to the Post Headquarters.
- The "Request for Review" form and the copy of the individual's record shall remain on Post not less than thirty (30) working days from the actual date of review to allow the individual the right to challenge the record contents.
- If the individual does not challenge the record contents within thirty (30) working days, the "Request for Review" form and the copy of the individual's record will be returned to the Identification Unit.

#### Challenge of Record Contents.

- If an individual desires to challenge the contents of the record, the individual must complete the "Challenge of Record" form (bottom portion of the original form). (A duplicate copy should be provided the individual.)
- It should be noticed whether the individual has requested a copy of the record for purposes of pursuing the challenge. (This can be determined by the individual's response to the first item on the "Challenge of Record" form.)
- An individual must complete the "Challenge of Record" form prior to receiving a copy of the record.
- The copy of the individual's record furnished the Post for the record review will be given to the individual if a challenge has been initiated and the individual requests the need for the copy for purposes of pursuing the challenge.
- This copy shall be prominently marked or stamped to indicate that the copy is for the purpose of challenge and that any other use thereof would be a violation of 42 USCS 3771. (Therefore, each copy supplied the Post Headquarters

for the actual record review should be stamped or marked in this manner.)

- . A fee of \$5.00 will be charged the individual for the copy of the record.
- . The Post Headquarters will forward the "Challenge of Record" form and any documents submitted by the individual in support of the challenge to the Identification Unit. (This will be the final action on the part of Post Headquarters.)

#### Processing of Challenge by Identification Unit.

- . Forms submitted to the Identification Unit by Post Headquarters will remain at the Identification Unit office and will be filed in a manner appropriate to their files.
- . The Identification Unit will conduct a comparison of the original input forms and the information contained in the repository files of the record information under challenge. Any errors or omissions discovered in the repository files shall be corrected.
- . If no error is found, the Identification Unit shall forward a copy of the original challenge form, a copy of the central repository record (containing only the information under challenge), and any other relevant information to the agency or agencies which the Identification Unit records indicate as contributing the information under challenge, and shall request them to examine all relevant files to determine the validity of the challenge. (A speedy response should be encouraged from such agency or agencies.)
- . The Identification Unit shall notify the individual or his legal counsel, in writing, of the action taken within thirty (30) working days of the challenge date.

#### Administrative Review.

- . If an individual is dissatisfied with the action taken by the Identification Unit, the individual may request an Administrative Review. This request will be in writing and directed to the Identification Unit's attention.

- . A written request for Administrative Review must be made not later than fifteen (15) working days following the date of notification to the individual of the decision of the initial challenge.
- . The Identification Unit will notify the Administrative Review Officer of the request for an Administrative Review upon receipt of such request.
- . An individual within the Bureau of State Police and designated by the Commissioner as the Administrative Review Officer will review the individual's record in much the same manner as performed by the Identification Unit.
- . The Administrative Review Officer shall notify the individual, in writing, of the decision of the Administrative Review. This notification shall be within thirty (30) working days of submission of the written request for the Administrative Review.
- . Any further appeal by the individual will be directed to the courts for judicial review.

Action Taken if Error or Omission Found Within Record.

- . The Identification Unit will correct the necessary documents in its possession.
- . The Identification Unit will notify all known criminal justice recipients of erroneous information and correction(s) to be made.
- . The Identification Unit will furnish the individual, upon request, a written list of known non-criminal justice recipients and of correction(s) to be made.
- . The Identification Unit will request that the agency originating the erroneous information notify all known criminal justice recipients and of correction(s) to be made.
- . The Identification Unit will request that the agency originating the erroneous



information furnish the individual, upon request, a written list of known non-criminal justice recipients of erroneous information.

. In order to effectively accomplish the requirements for correction of erroneous information, it will be necessary that the Identification Unit keep accurate dissemination logs to determine the criminal and non-criminal justice recipients of any criminal history record information.

PROCEDURES FOR AN INDIVIDUAL DESIRING TO ACCESS AND  
REVIEW HIS/HER CRIMINAL HISTORY RECORD

Any individual shall have the right to inspect, challenge, and request correction of criminal history record information maintained by the Bureau of State Police which refers to that individual. These transactions may be performed by the individual's attorney with written authorization from the individual.

The following procedures are provided the individual desiring to inspect his/her criminal history record:

1. The individual who seeks a record review will contact his nearest State Police post.
2. The individual must submit to identity verification by one of two methods:
  - a. Visual recognition.
  - b. Fingerprint comparison. (Fingerprints will be taken at the time of the request for review. These prints will be returned to the individual at the time of the record review.)
3. The record review shall be scheduled within thirty (30) working days from the date of request for the review.
4. The record review shall be conducted between 8:00 A.M. to 4:00 P.M. Monday through Friday, excluding holidays.
5. If an individual challenges the record contents after an inspection of the record, the individual must reduce this challenge to writing on a form supplied by the Bureau of State Police.
6. If a copy of the record is needed by the individual in order to pursue the challenge, a copy will be furnished the individual for a fee of \$5.00. (No copy shall be furnished an individual until the individual has initiated a challenge.)
7. A challenge must be initiated not later than thirty (30) working days following the date of the review.
8. The individual must submit any documentation he possesses or which he may be required to submit in support of his challenge.

9. The individual or his legal counsel shall be notified of the action taken pursuant to the challenge within thirty (30) working days of the challenge date.
10. If dissatisfied with the action taken pursuant to the challenge, the individual may submit a written request for an Administrative Review.
11. The written request for an Administrative Review must be directed to:  
  
Bureau of State Police  
Identification Unit  
New State Office Building  
Frankfort, Kentucky 40601
12. A written request for Administrative Review shall be submitted not later than fifteen (15) working days following the individual's notification of the decision of the challenge.
13. An official appointed by the Commissioner of State Police shall conduct the Administrative Review.
14. The individual shall receive written notice of the findings of the Administrative Review within thirty (30) working days of the date of submission of the Administrative Review request.
15. If an individual desires to appeal the decision of the administrative reviewer, such appeal must be directed to the courts for judicial review.
16. If errors or omissions are found to be contained within the individual's record, the Bureau of State Police shall furnish the individual, upon request, a written list of known non-criminal justice recipients of erroneous information.

Any questions arising from these procedures should be directed to the nearest Kentucky State Police post.

CRIMINAL HISTORY INFORMATION REVIEW/CHALLENGE

REQUEST FOR REVIEW

NAME: \_\_\_\_\_ SSAN: \_\_\_\_\_  
(last) (first) (middle)

DATE OF BIRTH: \_\_\_\_\_ SEX: MALE: \_\_\_\_\_ FEMALE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
(street or rural route) (city) (state) (zip code)

LOCATION OF REVIEW: \_\_\_\_\_ REQUEST DATE: \_\_\_\_\_  
(name of BSP post)

SIGNATURE OF INDIVIDUAL REQUESTING REVIEW: \_\_\_\_\_

SIGNATURE OF OFFICIAL WITNESSING REQUEST: \_\_\_\_\_

DATE RECEIVED BY IDENTIFICATION UNIT: \_\_\_\_\_

TYPE OF IDENTITY VERIFICATION: RECOGNITION: \_\_\_\_\_ FINGERPRINTS: \_\_\_\_\_

DATE OF SCHEDULED REVIEW: \_\_\_\_\_ TIME OF REVIEW: \_\_\_\_\_

CHALLENGE OF RECORD

DO YOU REQUEST A COPY FOR PURPOSES OF CHALLENGE? YES \_\_\_\_\_ NO \_\_\_\_\_

DATE OF ACTUAL REVIEW: \_\_\_\_\_ CHALLENGE DATE: \_\_\_\_\_

DETAILS OF CHALLENGE: (Indicate the precise nature of the alleged error or omission)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF INDIVIDUAL INITIATING CHALLENGE: \_\_\_\_\_

SIGNATURE OF OFFICIAL WITNESSING CHALLENGE: \_\_\_\_\_

DATE OF OFFICIAL RESPONSE BY BSP: \_\_\_\_\_

## IMPLEMENTATION PLAN AND SCHEDULE

Because the development of the Security and Privacy procedures is tied directly to the development of the State's Central Repository for Criminal Record Information, the time frame is identical. The attached description outlines the tasks and time frame for the development of the repository. It is included here to provide the operational steps required to meet the objectives described in the earlier portions of this document. Security and Privacy is such an inherent part of any records unit that the major emphasis for Stages I and II in the development of the repository are directed toward accuracy and timely reporting as well as the protection of the facility.

KENTUCKY CENTRAL REPOSITORY  
for  
CRIMINAL RECORD INFORMATION

PROPOSED DEVELOPMENT SCHEME

May 25, 1978

## Introduction

With the approval of appropriations for the development of the Kentucky Central Repository for Criminal Record Information by the regular session of the 1978 Kentucky General Assembly, it becomes necessary to seek a development plan for the establishment of the unit within the Bureau of State Police. This document has been prepared in order to update the current "criminal record information" situation and offer reasonable development alternatives given existing reporting conditions and manpower problems.

## The Approach

Because the problem has already reached serious proportions in excess of what the current system can handle, it becomes necessary to utilize a "staged development approach" to getting the repository into operation. Each stage of the unit's development will address a specific immediate need in the information reporting area. Once these needs have been associated with a particular stage of development, a reasonable date and sequence can be assigned to gradually and logically develop the required capabilities for statewide service.

The following stages are designed to provide decision makers with a uniform approach to the problem of operationalizing the unit. They are listed in the following material along with the particular objective they will serve.

<u>STAGE</u>	<u>OBJECTIVE</u>
STAGE I Repository Establishment Manual Phase	Locate and equip the unit within the Bureau of State Police administratively in a secure and adequately manned state.
STAGE II Enforcement of Chapter 17 Manual Phase	To increase the reporting of offenses and dispositions in order to build a manual system which will bear the integrity and reliability necessary for future automation.
STAGE III Program Development Automated Phase	To design the necessary system to implement an automated criminal record information system.
STAGE IV Auto-file Implementation Automated Phase	To implement the system designed to provide automated criminal record storage and retrieval for the central repository.

Stages I and II above classified as the immediate needs portion of the development program. Stages III and IV will depend largely on the success of increased reporting, greater accuracy, and more timely interaction between contributing agencies.

#### The Philosophy

The philosophy for the repository development is to establish a separate unit within the Bureau of State Police which will handle all state level responsibility for criminal records management and other duties outlined for the centralized criminal records system per KRS Chapter 17. The State Police will interact with the Central Repository as would any other reporting agency through articulation with the Central Repository contributions.



The initial stages of the project will be to equip the repository with personnel and equipment capable of enforcing KRS Chapter 17 in a manual format. At the same time, efforts will be directed toward complying with federal regulations concerning the security and privacy of information and systems which store such information.

Once the unit has been equipped to handle total reporting from contributing agencies through manual processing and such requirements as validation, audit of dissemination and accuracy are established, then automation can logically be considered. The time frame for completion of the project from beginning date of July 1, 1978 to final automation cannot adequately be projected at this time. Major points of concern center on the ability to enforce Chapter 17 for the reporting of incidents, the agreement for direct disposition reporting with the courts, and the adequate submission of correction information. The intent is not to limit the accessibility of data to data subjects, but instead to ensure that all information contained in the file is accurate, up-to-date and protected.

## STAGED DEVELOPMENT TASKS

The following information describes the necessary tasks and responsibilities which must be met if the repository is to be effective within the next two calendar years. Each stage is discussed as in regards to the immediate needs for completion of the particular objective and a date is given for the initial effort.

### Stage I Repository Establishment Manual Phase

TIME FRAME: July 1, 1978 through to Implementation

#### POLICY TASKS

- |        |  |
|--------|--|
| Task 1 | Require all law enforcement agencies outlined in KRS Chapter 17 to initiate a copy of the uniform citation for all felony arrests. The violator copy would be attached to the fingerprint cards submitted to the State Police and the citation number would be functional as the repository tracking number. |
| Task 2 | Arrange for the courts to provide the Court 3 disposition copy or machine readable listings for court dispositions according to citation number directly to the repository, either through the AOC or from the clerks whichever is the most feasible for courts.   |
| Task 3 | Notify contributing agencies via official memorandum that steps will be taken to increase the reporting of offenses and the submission of all required data. In addition, republish strict limitations of dissemination for all unverified data.   |
| Task 4 | Implement security provisions for personnel and records area including a review of non-disclosure agreements and security badge program.   |

Task 5

All arrests made after July 1, 1978 will also be entered in the Central Repository holdings after verification and update of all information in the data subject's file. This day one approach will be utilized until the purge system and the development of the central file in the future becomes adequate to take over the responsibilities entirely. As an individual comes into contact with the criminal justice system and an arrest is made, the file will be updated and entered.

Task 6

Make necessary fire protection agreements with the fire department.

PERSONNEL TASKS

Task 1

Hire the following individuals for the Identification Unit on dates indicated:

- A. July 1 -
  - 2 identification officers
  - 5 senior clerk typists for Identification Unit
- B. September 1 -
  - 1 identification officer

Task 2

Hire the following individuals for the Central Repository Unit on dates indicated:

- A. July 1 -
  - designate commander
  - 1 systems analyst
  - 5 senior clerk typists
  - 1 principle clerk stenographer
  - 3 information officers
- B. November 1 -
  - 2 senior clerk typists
  - 2 information officers

FACILITY TASKS

Task 1

Procure and install following equipment for Central Repository on dates indicated:

- A. July 1 -
  - 2 white front-to-back 7300 series motorized file units
  - All office equipment for personnel hired

- B. September 1 -  
1 white front-to-back series motorized  
file unit
- C. November 1 -  
1 white front-to-back 7300 series motorized  
file unit

Task 2

Procure and install the following equipment  
for security purposes on dates indicated:

- A. July 1 -  
4 multi-purpose fire extinguishers  
4 smoke detection devices  
Cover the polygraph waiting room and in-  
stall a heavy-duty lock
- B. September 1  
Construct security wall with electronic  
lock  
4 multi-purpose fire extinguishers

Task 3

Create all new forms and establish flow of in-  
formation

- A. July 1 -  
Implement new fingerprint card and establish  
flow for card and citation
- B. October 1 -  
Develop all statewide audit and dissemina-  
tion log forms as well as related agree-  
ments.

Stage II  
Enforce KRS Chapter 17  
Manual Phase

TIME PHASE: July 1, 1978 through to Implementation

Task 1

Develop administrative regulation relating to  
requirements for contributing agencies, dis-  
semination of information, minimum standards  
for protection of contributing files, and  
administrative appeal for correction of  
information

Task 2

Institute new procedures for dissemination of  
nonconviction data

- Task 3                      Institute new procedures for dissemination of information to noncriminal justice agencies
- Task 4                      Develop policies for periodic state and local audits

#### OPERATIONAL TASKS

- Task 1                      Begin field contacts to stimulate contribution of arrest and citation information to Central Repository
- Task 2                      Develop necessary contacts with the administrative office of the courts for exchange of necessary disposition and citation information
- Task 3                      Establish procedures for periodic audit of contributing agencies for accuracy and dissemination (January 1, 1979)
- Task 4                      Develop training program for state and local identification and records officers in regards to reporting requirements which will be required
- Task 5                      Based on reporting agency information, begin enforcement of KRS Chapter 17 employing sanctions as outlined in statute and administrative regulation.

#### Stage III and IV

Many variables will affect the development of Stage III and IV in the project. As stated under Stage I the systems analyst will be present from the very beginning to help coordinate and direct the development of a manual system which will be readily amenable to an automation process. The additional personnel such as a programmer, data entry personnel, and all software and hardware considerations included in the budget request will be utilized as the system nears readiness for automation. Once the manual system is operational to the satisfaction of all concerned, then the

automated phase development or Stage III may begin. Stage IV will become a reality when the system is ready for operation including all needed tests. It should be understood that the on-line capability will remain internal to the Central Repository for some time to come. All data entry will be made from reports which are submitted and verified to the repository. Stage IV does not consider remote data entry or on-line direct access capability to contributing agencies.

The attached material portrays the above outlined tasks in a time frame sequence. It is important to note that several stages begin at the same time so please read each entry carefully. The stages should be considered as progressing together but at different rates. The attached implementation schedule is keyed to the explanation of stages within the text of this document.

#### TIME FRAME REFERENCE

<u>Time</u>	<u>Task</u>
July 1, 1978	Stage I
	<u>POLICY TASKS</u>
	Task 1-5
	<u>PERSONNEL TASKS</u>
	Tasks 1A and 2A
	<u>FACILITY TASKS</u>
	Tasks 1A, 2A and 3A
	Stage II
	<u>POLICY TASKS</u>
	Tasks 1, 2, and 3
	<u>OPERATIONAL TASKS</u>
	Task 2

August 1, 1978	Stage I	<u>POLICY TASKS</u>
		Task 6
	Stage II	<u>OPERATIONAL TASKS</u>
		Task 4
September 1, 1978	Stage I	<u>PERSONNEL TASKS</u>
		Task 1B
		<u>FACILITY TASKS</u>
		Tasks 1B and 2B
October 1, 1978	Stage I	<u>FACILITY TASKS</u>
		Task 3B
November 1, 1978	Stage I	<u>PERSONNEL TASKS</u>
		Task 2B
	Stage II	<u>POLICY TASKS</u>
		Task 4
		<u>OPERATIONAL TASKS</u>
		Tasks 1 and 4
January 1, 1979	Stage II	<u>OPERATIONAL TASKS</u>
		Tasks 3 and 5





# IMPLEMENTATION SCHEDULE STAGE I REPOSITORY ESTABLISHMENT MANUAL PHASE

## STAGE I

### POLICY TASKS

TASK 1

TASK 2

TASK 3

TASK 4

TASK 5

TASK 6

### PERSONNEL TASKS

TASK 1

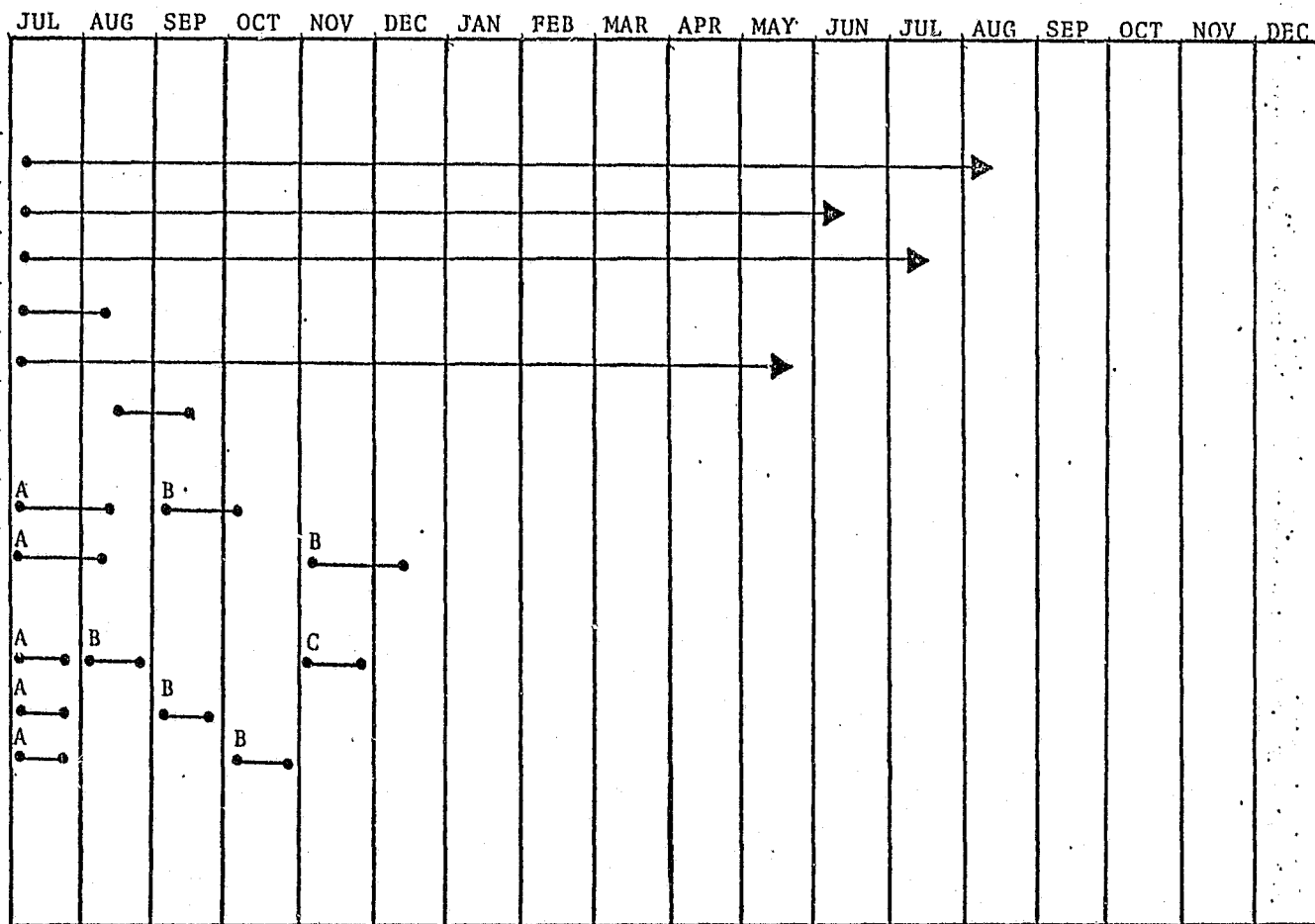
TASK 2

### FACILITY TASKS

TASK 1

TASK 2

TASK 3



July Aug. Sept Oct. Nov. Dec. Jan. Feb. Mar. Apr. May June July Aug. Sept Oct. Nov. Dec.

STAGE II

POLICY TASKS

TASK 1

TASK 2

TASK 3

TASK 4

OPERATIONAL TASKS

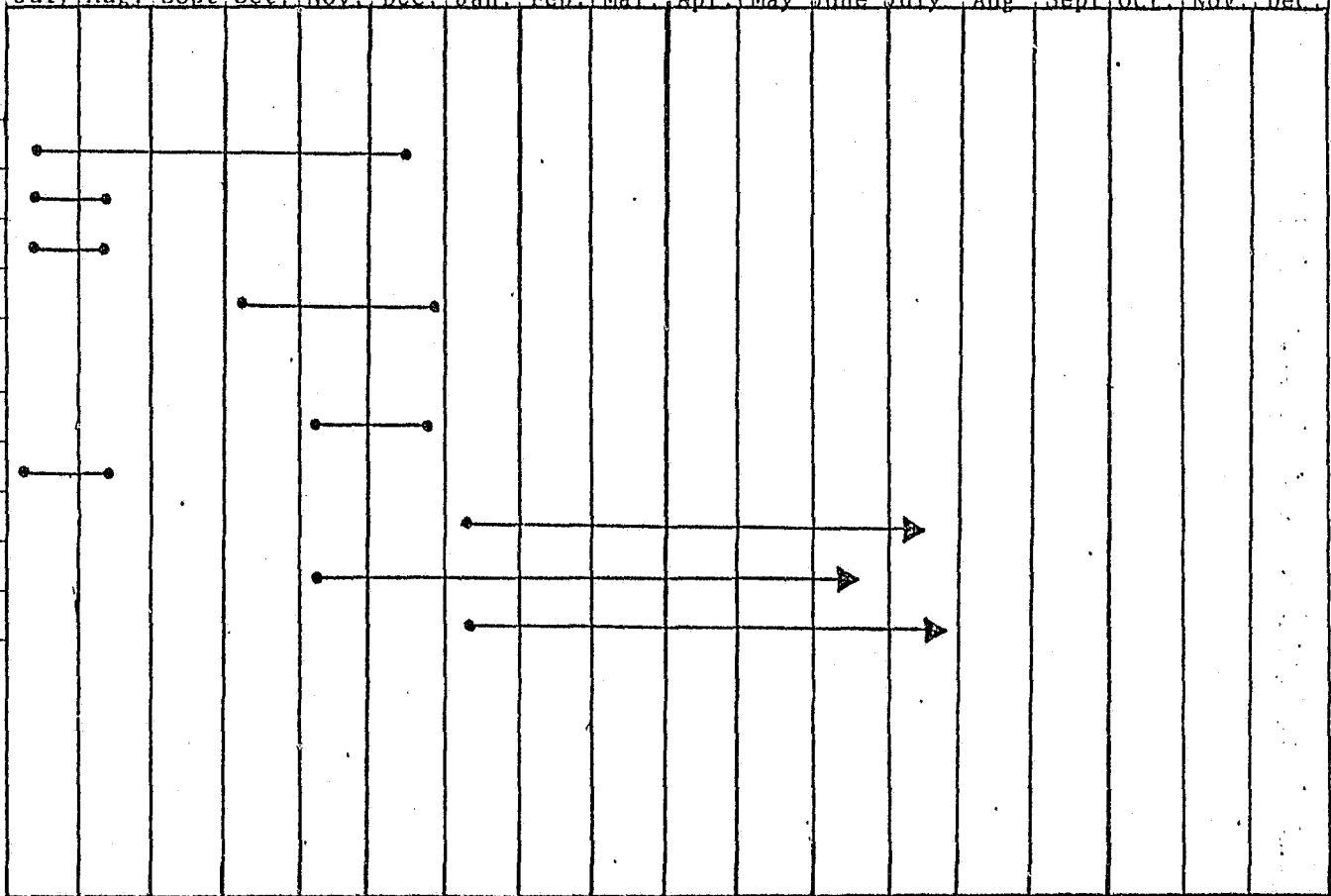
TASK 1

TASK 2

TASK 3

TASK 4

TASK 5



POLYGRAPH WAITING ROOM SHOULD BE COVERED AND SECURITY LOCK ON DOOR  
 IN ADDITION THE WAITING ROOM WILL BE EXTENDED TO THE  
 FULL WALL AS SHOWN.

PROPOSED PHYSICAL ALTERATION FOR SECURITY  
 IDENTIFICATION UNIT

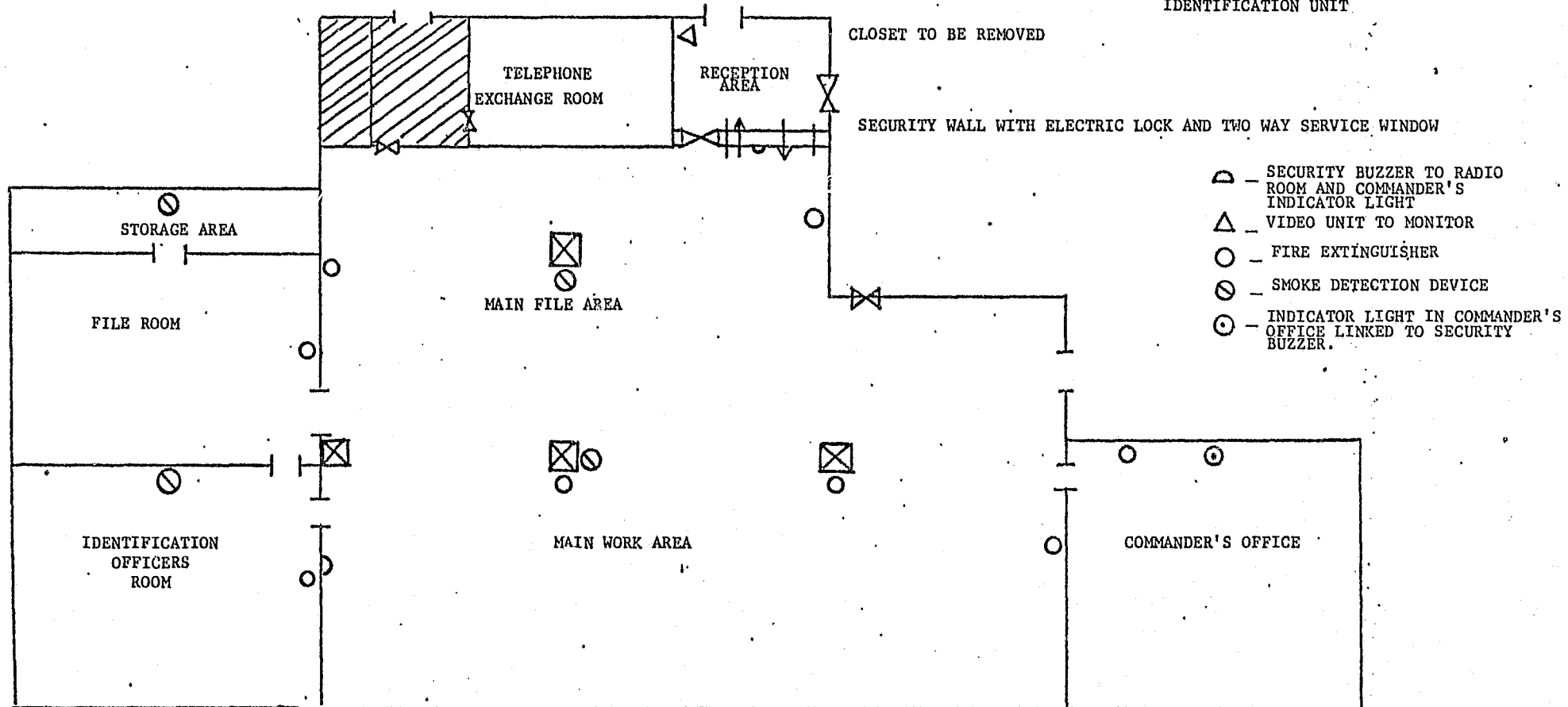


Exhibit 1

KENTUCKY REVISED STATUTES  
Chapter 61.870

constable, or recorder shall keep his office with that of an attorney at law.

HISTORY: 1976 S 159, § 8, eff. 6-19-76

**61.130 Salary of county attorney, county judge or Commonwealth's attorney; how deducted**

The county judge shall, by an order entered of record, enforce the provisions of KRS 61.120 as against county attorneys, and the fiscal court shall enforce its provisions as against the county judge. The circuit judge shall enforce its provisions as against the Commonwealth's attorney in his judicial circuit, by an order entered of record, a copy of which shall, as soon as entered, be sent by the clerk of the court to the executive department for finance and administration.

HISTORY: 1976 H 731, § 56, eff. 6-19-76  
KS 3764

**61.170 Malfeasance or neglect of county officers; penalty**

**CROSS REFERENCES**

Malfeasance and misfeasance. 63 Am Jur 2d, Public Officers § 190

**61.180 Drunkenness of officer on duty; penalty**

**CROSS REFERENCES**

Intoxication. 63 Am Jur 2d, Public Officers § 194

**61.190 Receiving profit on public funds; penalty**

**CROSS REFERENCES**

Corruption, extortion and illegal fees. 63 Am Jur 2d, Public Officers § 193

**61.300 Nonelective peace officer or deputy; qualifications; penalty**

(1) No person shall serve as a deputy sheriff, deputy constable, patrol or other nonelective peace officer or deputy peace officer, unless:

(a) He is a citizen of the United States and is twenty-one (21) years of age or over;

(b) He has resided in the county wherein he is appointed to serve for a period of at least two (2) years;

(c) He has never been convicted of a crime involving moral turpitude;

(d) He has not within a period of two (2) years hired himself out, performed any service, or received any compensation from any private source for acting, as a privately paid detective, policeman, guard, peace officer or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private policemen or private guards, or advertised or solicited any such business in connection with any labor dispute;

(e) He has filed his photograph with the county clerk of the county in which he is to serve, together with his affidavit stating his full name, age and residence address and that he is not prohibited from serving by this section.

(2) The photograph so filed with the county clerk shall constitute a public record.

(3) Any person who exercises any of the functions of a nonelective peace officer or deputy peace officer in violation of the provisions of this section shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisoned in the county jail for not more than six (6) months, or both.

HISTORY: 1976 H 217, eff. 6-19-76

1974 H 393, § 25; KS 3766a-5a, 3766a-5b, 3766a-5d, 3766a-5e

**61.315 Benefits paid on death of police officer, sheriff, deputy sheriff or firefighter**

(1) As used in this section, "police officer" means every full-time police officer, sheriff, or deputy sheriff, who works not less than forty hours per week, elected to office or employed by any county or city or by the state; "firefighter" means every full-time fireman who works not less than forty hours per week, employed by any county or city or by the state.

(2) The spouse of any police officer, sheriff, deputy sheriff or firefighter whose death occurs as a direct result of an act in the line of duty shall receive a lump sum payment of five thousand dollars, which sum shall be paid by the state treasurer from the general expenditure fund of the state treasury. If there is no surviving spouse, the payment shall be made to the surviving children.

(3) The benefits payable under this section are in addition to any benefits now or hereafter provided under any police, sheriff or firemen's retirement or benefit fund established by the state, county, or any municipality.

HISTORY: 1976 S 117, eff. 6-19-76  
1972 S 34

**61.360 Repealed**

HISTORY: 1976 S 267, § 18, eff. 1-1-77  
1970 S 241; 1946 c 239; KS 3766a-22

Note: See also master volume for amendment of this section by 1970 S 241, in effect until 1-1-77.

**OPEN RECORDS**

**61.870 Definitions**

As used in KRS 61.872 to 61.884:

(1) "Public agency" means every state or local officer, state department, division, bureau, board, commission and authority; every legislative board, commission, committee and officer; every county and city governing body, council, school district board, special district board, municipal corporation, court or judicial agency, and any board, department, commission, committee, subcommittee, ad hoc committee, council or agency thereof; and any other body which is created by state or local authority in any branch of government or which derives at least twenty-five percent (25%) of its funds from state or local authority.

(2) "Public records" means all books, papers, maps, photographs, cards, tapes, discs, recordings or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" shall not include any records owned by a private person or corporation that are not related to functions, activities, programs or operations funded by state or local authority.

(3) "Official custodian" means the chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care and keeping of public records, regardless of whether such records are in his actual personal custody and control.

(4) "Custodian" means the official custodian or any authorized person having personal custody and control of public records.

HISTORY: 1976 H 138, § 1, eff. 6-19-76

#### 61.872 Right to inspection; limitation

(1) All public records shall be open for inspection by any person, except as otherwise provided by KRS 61.870 to 61.884 and suitable facilities shall be made available by each public agency for the exercise of this right. No person shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record.

(2) Any person shall have the right to inspect public records during the regular office hours of the public agency. The official custodian may require written application describing the records to be inspected.

(3) If the person to whom the application is directed does not have custody or control of the public record requested, such person shall so notify the applicant and shall furnish the name and location of the custodian of the public record, if such facts are known to him.

(4) If the public record is in active use, in storage or not otherwise available, the official custodian shall immediately so notify the applicant and shall designate a place, time and date, for inspection of the public records, not to exceed three (3) days from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time and earliest date on which the public record will be available for inspection.

(5) If the application places an unreasonable burden in producing voluminous public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records. However, refusal under this section must be sustained by clear and convincing evidence.

HISTORY: 1976 H 138, § 2, eff. 6-19-76

Penalty, 61.991(2)(a)

#### 61.874 Abstracts, memoranda, copies; agency may prescribe fee

(1) Upon inspection, the applicant shall have the right

to make abstracts of the public records and memoranda thereof, and to obtain copies of all written public records. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee. If the applicant desires copies of public records other than written records, the custodian of such records shall permit the applicant to duplicate such records, however, the custodian may ensure that such duplication will not damage or alter the records.

(2) The public agency may prescribe a reasonable fee for making copies of public records which shall not exceed the actual cost thereof not including the cost of staff required.

HISTORY: 1976 H 138, § 3, eff. 6-19-76

#### 61.876 Agency to adopt rules and regulations

(1) Each public agency shall adopt rules and regulations in conformity with the provisions of KRS 61.870 to 61.884 to provide full access to public records, to protect public records from damage and disorganization, to prevent excessive disruption of its essential functions, to provide assistance and information upon request and to insure efficient and timely action in response to application for inspection, and such rules and regulations shall include, but shall not be limited to:

(a) The principal office of the public agency and its regular office hours;

(b) The title and address of the official custodian of the public agency's records;

(c) The fees, to the extent authorized by KRS 61.874 or other statute, charged for copies;

(d) The procedures to be followed in requesting public records.

(2) Each public agency shall display a copy of its rules and regulations pertaining to public records in a prominent location accessible to the public.

(3) The executive department for finance and administration may promulgate uniform rules and regulations for all state administrative agencies.

HISTORY: 1976 H 138, § 4, eff. 6-19-76

#### 61.878 Right of inspection only on order of court

(1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction:

(a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(b) Records confidentially disclosed to an agency and compiled and maintained for scientific research, in conjunction with an application for a loan, the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of

a license to do business and if openly disclosed would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however, apply to records, the disclosure or publication of which is directed by other statute.

(c) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. Provided, however, that this exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph (b) above.

(d) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired; provided, however, the law of eminent domain shall not be affected by this provision.

(e) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examination before the exam is given or if it is to be given again.

(f) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. Provided, however that the exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884.

(g) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency;

(h) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;

(i) All public records or information the disclosure of which is prohibited by federal law or regulation;

(j) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the general assembly.

(2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.

(3) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the non-excepted material available for examination.

(4) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

HISTORY: 1976 H 138, § 5, eff. 6-19-76

Penalty, 61.991(2)(b)

#### 61.880 Denial of inspection; role of attorney general

(1) Each public agency, upon any request for records made under KRS 61.870 to 61.884, shall determine within three (3) days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any such request whether to comply with the request and shall notify in writing the person making the request, within the three (3) day period, of its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority, and it shall constitute final agency action.

(2) A copy of the written response denying inspection of a public record shall be forwarded immediately by the agency to the attorney general of the Commonwealth of Kentucky. If requested by the person seeking inspection, the attorney general shall review the denial and issue within ten (10) days (excepting Saturdays, Sundays and legal holidays) a written opinion to the agency concerned, stating whether the agency acted consistent with provisions of KRS 61.870 to 61.884. A copy of the opinion shall also be sent by the attorney general to the person who requested the record in question. The burden of proof in sustaining the action shall rest with the agency and the attorney general may request additional documentation from the agency for substantiation. The attorney general may also request a copy of the records involved but they shall not be disclosed.

(3) Each agency shall notify the attorney general of any actions filed against that agency in circuit court regarding the enforcement of KRS 61.870 to 61.884.

(4) In the event a person feels the intent of KRS 61.870 to 61.884 is being subverted by an agency short of denial of inspection, including but not limited to the imposition of excessive fees or the misdirection of the applicant, the person may complain in writing to the attorney general and the complaint shall be subject to the same adjudicatory process as if the record had been denied.

(5) If the attorney general upholds, in whole or in part, the request for inspection, the public agency involved may institute proceedings within thirty (30) days for injunctive or declaratory relief in the circuit court of the district where the public record is maintained. If the attorney general disallows the request or if the public agency continues to withhold the record notwithstanding the opinion of the attorney general, the person seeking disclosure may institute such proceedings.

HISTORY: 1976 H 138, § 6, eff. 6-19-76

#### 61.882 Jurisdiction of circuit court in action seeking right of inspection; burden of proof; costs; attorney fees

(1) The circuit courts of this state shall have jurisdiction to enforce the purposes of KRS 61.870 to 61.884, by injunction or other appropriate order on application of any citizen of this state.

(2) In order for the circuit courts of this state to exercise their jurisdiction to enforce the purposes of KRS 61.870 to 61.884, it shall not be necessary to have forwarded any request for the documents to the attorney

general pursuant to KRS 61.880, or for the attorney general to have acted in any manner upon a request for his opinion."

(3) In any such action, the court shall determine the matter de novo and the burden of proof shall be on the public agency to sustain its action. The court on its own motion, or on motion of either of the parties, may view the records in controversy in camera before reaching a decision. Any noncompliance with the order of the court may be punished as contempt of court.

(4) Courts shall take into consideration the basic policy of KRS 61.870 to 61.884 that free and open examination of public records is in the public interest and the exceptions provided for by KRS 61.870 to 61.884 or otherwise provided for by law shall be strictly construed, even though such examination may cause inconvenience or embarrassment to public officials or others. Except as otherwise provided by law or rule of court, proceeding arising under this section take precedent on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date.

(5) Any person who prevails against an agency in any action in the courts seeking the right to inspect and copy any public record may, upon a finding that the records were willfully withheld in violation of KRS 61.870 to 61.884, be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. If such person prevails in part, the court may in its discretion award him costs or an appropriate portion thereof. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars (\$25) for each day that he was denied the right to inspect or copy said public record. The costs or award shall be paid by such person or agency as the court shall determine is responsible for the violation.

HISTORY: 1976 H 138, § 7, eff. 6-19-76

#### 61.884 Person's access to record relating to him

Any person shall have access, to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of KRS 61.878.

HISTORY: 1976 H 138, § 8, eff. 6-19-76

### SPECIAL LAW ENFORCEMENT OFFICERS

#### 61.900 Definitions

As used in KRS 61.902 to 61.930:

(1) "Commission" means a commission issued to an individual by the secretary of justice, entitling such individual to perform special law enforcement duties on public property.

(2) "Council" means the Kentucky law enforcement council.

(3) "Department" means the department of justice.

(4) "Public property" means property currently owned or used by any organizational unit or agency of state, county, city, metropolitan government, or a combination of these. The term shall include property currently owned or used by public airport authorities.

(5) "Secretary" means the secretary of the department of justice.

(6) "Special law enforcement officer":

(a) Means one whose duties include the protection of specific public property from intrusion, entry, larceny, vandalism, abuse, intermeddling, or trespass; and

(b) Means one whose duties include the prevention, observation or detection of, or apprehension for, any unlawful activity on specific public property; and

(c) Means one whose special duties include the control of the operation, speed and parking of motor vehicles, bicycles and other vehicles, and the movement of pedestrian traffic on specific public property; and

(d) Means one whose duties include the answering of any intrusion alarm on specific public property; and

(e) Shall include the capitol police, the capital plaza police, public school district security officers, public airport authority security officers, and the officers of the other public security forces established for the purpose of protecting specific public property; and

(f) Shall not include members of a lawfully organized police unit or police force of state, county, city, or metropolitan government, or a combination of these, who are responsible for the detection of crime and the enforcement of the general criminal law enforcement of the state; it shall not include any of the following officials or officers:

(i) Sheriffs, sworn deputy sheriffs, city marshals, constables, sworn deputy constables, and coroners;

(ii) Auxiliary and reserve police appointed under KRS 70.545, 95.160, 95.445, or 95.740;

(iii) State park rangers and conservation officers;

(iv) Officers of the division of motor transportation and division of boating responsible for law enforcement;

(v) Officers of the bureau of corrections responsible for law enforcement;

(vi) Fire marshals and deputy fire marshals;

(vii) Other officers not mentioned above who are employed directly by state government and are responsible for law enforcement;

(viii) Federal peace officers;

(ix) Those campus security officers who are commissioned under KRS 164.950;

(x) Private security guards, private security patrolmen, and investigators licensed pursuant to state statute;

(xi) Railroad policemen covered by KRS 277.270 and 277.280.

(7) "Sworn public peace officer" means one who derives plenary or special law enforcement powers from, and is a full-time employe of, the federal government, the Commonwealth, of any political subdivision, agency, department, branch or service of either, or of any municipality.

HISTORY: 1976 S 267, § 2, eff. 1-1-77

#### 61.902 Appointment by secretary

The secretary of the department of justice may commission special law enforcement officers, for such time as he deems necessary, to protect and to enforce the law on public property. Upon application of a unit or agency of state, county, city or metropolitan government, the secretary may appoint those persons recommended



Exhibit 2

KENTUCKY ADMINISTRATIVE REGULATIONS  
200 KAR 1:020

1977  
**KENTUCKY  
ADMINISTRATIVE  
REGULATIONS  
SERVICE**

Volume 1



Containing regulations promulgated by administrative agencies of the  
Commonwealth of Kentucky in effect as of July 6, 1977.

**Legislative Research Commission**

## TITLE 260

### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

Chapter 1	PUBLIC RECORDS
Chapter 2	TRAVEL EXPENSE AND REIMBURSEMENT
Chapter 3	STATE OWNED BUILDINGS AND GROUNDS
Chapter 4	COAL PRODUCING COUNTY DEVELOPMENT FUND
Chapter 5	PURCHASING
Chapter 6	PROPERTY
Chapter 7	ENGINEERING
Chapter 8	ACCOUNTS
Chapter 10	OFFICE FOR LOCAL GOVERNMENT
Chapter 11	ADVANCEMENTS TO SHERIFFS
Chapter 12	PERSONNEL
Chapter 25	KENTUCKY HORSE COUNCIL

#### CHAPTER 1

#### PUBLIC RECORDS

10. Inspecting and copying. [Repealed]

20. Access to public records.

200 KAR 1:010. Inspecting and copying. [Repealed]  
(FINANCE-4; 1 Ky.R. 31; eff. 10-2-74; repealed by 200 KAR 1:011, 3 Ky.R. 716, eff. 7-6-77.)

200 KAR 1:020. Access to public records.

RELATES TO: KRS Chapter 61

PURSUANT TO: KRS 61.876(3)

NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is authorized by KRS 61.876(3) to promulgate uniform rules governing public access to public records maintained by administrative agencies of the state government. This regulation establishes the general rules to be followed by all state administrative agencies in affording public access to their records and by persons applying to inspect such records.

Section 1. General: Consistent with the provisions of KRS 61.870 to 61.884, the public records of all administrative agencies of the Kentucky State Government, except as provided in Section 4 hereof, shall be open for inspection by any person in accordance with the procedures established by this regulation.

Section 2. Definitions: The following terms shall have the meaning assigned herein:

(1) "State administrative agency" means every program cabinet, department and administrative body of the Kentucky State Government as defined by KRS 12.010, headed by, or whose membership is composed of, persons appointed by the Governor, and their component organizational subdivisions.

(2) "Public record" means all books, papers, maps, photographs, cards, tapes, discs, records or other documentary materials prepared, owned, used, in the possession of or retained by a state administrative agency, but does not include any records owned by a private person or corporation in the possession of a state administrative agency or an officer or employee thereof, and not related to any function, activity, program or operation funded by the state.

(3) "Official custodian" means the chief administrative officer of a state administrative agency who by virtue of his position, is responsible for the maintenance, care and keeping of all the public records of his agency, or if so designated in writing by the chief administrative officer of a state administrative agency, the head of each office, bureau, division or other organizational subdivision within a state administrative agency, who is responsible for the maintenance, care and keeping of all the public records of his organizational unit.

(4) "Custodian" means any officer or employee of a state administrative agency having public records in his personal custody and control.

Section 3. (1) Any person may, on written application to the official custodian describing the records, inspect and make abstracts and memoranda of the contents of any of the public records, except those listed in Section 4, of all state administrative agencies. Copies of any written material shall be furnished, on request, to any person requesting them, on payment of a fee of ten (10) cents a page for each record copied; copies of photographs, maps and other non-written material, and records stored in computer files or libraries, shall be furnished to any person requesting them on payment of a fee equal to the actual cost to the agency of producing the copies. Persons requesting copies of records shall be advised of the total actual cost of copies of written material, and the actual, if known, or approximate cost, of producing copies of non-written material or of records stored in computer files or libraries before the copies are prepared. The fee shall be collected before the copies are handed or sent to the person requesting them. The fees established herein shall not be collected, for copies of records requested in the course of their employment by employees of state administrative agencies, and shall be inapplicable in cases of documents printed for sale for which a fee is fixed by or pursuant to law or which are customarily distributed without charge.

(2) The inspection of public records of state administrative agencies shall in all cases be made in the presence of an employee of the agency, on premises occupied by the agency having custody of the records, during the usual office hours of the particular office or other organizational unit having physical possession of the records. The official custodian of the records of each state administrative agency, and of each administrative subdivision of the agency, shall be responsible for the assignment of agency employees, as a duty in addition to their usual duties, to assist persons applying to inspect the

public records of the agency and to insure protection of the records against damage and disorganization.

Section 4. The public records enumerated in subsections (1) through (10) of this section shall, except as provided herein, be subject to inspection only upon an Order of a Court of this Commonwealth or of the United States. The exemptions under this section notwithstanding, nothing herein shall prohibit or limit the exchange of public records or the sharing of information between state administrative agencies and other public agencies when the exchange of such records or sharing of such information will serve legitimate governmental needs or is necessary in the performance of legitimate governmental functions, nor shall the enumeration of any material herein prohibit disclosure of statistical information not readily identifiable of any person. If any public record contains material subject to public inspection only by court order, and other material not so excluded from public inspection, the custodian of the record shall, on application by any person for inspection of such record, segregate or remove the excluded material from the record and the non-excluded material shall then be available for inspection in accordance with the application for inspection. The official custodian of the records of each state administrative agency shall generally exclude from public inspection, except by an order of court as provided in this section.

(1) Public records containing information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy.

(2) Records confidentially disclosed to an agency and compiled and maintained for: scientific research; in conjunction with an application for a loan; the regulation of commercial enterprise, including mineral exploration records; unpatented, secret, commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential; or for the grant or review of a license to do business which if openly disclosed, would permit an unfair advantage to competitors of the subject enterprise, unless the disclosure or publication of such records is directed by law.

(3) Public records pertaining to the prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within, or expanding within the Commonwealth. (Provided, however, that this exemption shall not include applications filed with state administrative agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in subsection (2).)

(4) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for an agency relative to the acquisition of real property, until such time as all of the property has been acquired.

(5) Test questions, scoring keys and other examination data used to administer a licensing examination, or an examination for employment before the examination is given or if it is to be given again.

(6) Centralized criminal history records maintained by the Kentucky Department of Justice and intelligence and investigative reports maintained by state criminal justice agencies except as provided in KRS 17.150, and records of law enforcement or administrative agencies compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information contained in such records would harm the agency by revealing the identity of informants not otherwise known or by the premature release of information to be used in a prospective prosecution or suit or an administrative adjudication. Except as provided by KRS 17.150, public records exempted under this subsection shall be open for inspection after adjudicative action is completed or a decision has been made to take no action. The official custodian shall have the burden of justifying with specificity a refusal of a demand for inspection of any public records covered by the exemptions provided in this subsection except centralized criminal history records maintained by the Kentucky Department of Justice.

(7) Preliminary drafts, notes, correspondence between state administrative agencies and private individuals, other than correspondence intended to give notice of final action by an agency.

(8) Preliminary recommendations and memoranda in which opinions are expressed or policies formulated or recommended.

(9) All public records or information, the disclosure of which is prohibited by federal law or regulation.

(10) Public records or information, the disclosure of which is prohibited or restricted or otherwise made confidential by the statutes of this Commonwealth.

Section 5. Application for Inspection of Public Records: (1) Persons requesting to inspect public records of state administrative agencies shall file a written application describing the records requested to be inspected, on a form prescribed by the Executive Department for Finance and Administration, with the official custodian of the records of the office of the agency having physical custody of the records. Agency employees shall assist, on request of the applicant, in completing the form; the applicant shall sign the application form. The application form shall include a receipt to be completed and signed by the custodian of the records for payment received for copies of records requested by applicants and one (1) copy of the receipt shall be furnished to the applicant.

(2) Application forms for the inspection of public records of state administrative agencies will be stocked by and available from the Central Stores of the Executive Department for Finance and Administration. Each state administrative agency shall be responsible for obtaining from Central Stores an adequate supply of the application forms for use by each of its administrative subdivisions so that at all times there will be sufficient number of forms on hand to comply with requests for inspection of the agency's records.

Section 6. Agency Responsibility: (1) Each state administrative agency shall display a copy of this regulation in a prominent location in each of its offices to which the general public has access. Copies of this regulation, suitable for posting, shall be printed and each agency shall be responsible for obtaining the number of copies of the printed regulation required to comply with this section from the Central Stores of the Executive Department for Finance and Administration.

(2) The printed copies of this regulation shall bear the following caption which shall be appropriately completed by each agency and its subdivisions:

(Continued on Next Page)

## NOTICE

REGULATIONS GOVERNING INSPECTION OF  
THE PUBLIC RECORDS OF THE

---

(Name of State Administrative Agency)

---

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(Office, Bureau, Division, Etc.)

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Pursuant to KRS 61.870 to 61.884, the public is notified that, as provided herein, the public records of the above named Agency of the Commonwealth of Kentucky are open for inspection by any person on written application to \_\_\_\_\_,

(name)

\_\_\_\_\_ official custodian of the public

(title)

records of the \_\_\_\_\_,

(state administrative agency)

whose address is \_\_\_\_\_,

or to \_\_\_\_\_,

(name)

(title)

official custodian of the public records of the \_\_\_\_\_,

(office, bureau, division, etc.)

whose address is \_\_\_\_\_,

from \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. Monday through Friday, each week, except holidays. Application forms for the inspection of the public records of this agency will be furnished on request to any person by an employee in this office. Assistance in completing the application form will be provided by an employee on request.

Applicants for the inspection of public records shall be advised of the availability of the records requested for inspection, and shall be notified in writing not later than three (3) working days after receipt of an application for inspection of any reason the records requested are not available for public inspection.

Copies of written material in the public records of this agency shall be furnished to any person requesting them on payment of a fee of ten cents (\$.10) a page; copies of non-written records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

---

(Agency Head or Designated Representative)

---

(3) The official custodian of records requested for public inspection shall promptly determine the availability of such records for inspection; if it is determined that the records are not available for inspection, the applicant, if present, will be orally advised, subject to written confirmation, or notified in writing, not later than three

(3) working days after the date of receipt of the written application for inspection of the records of the reason or reasons why the records are not available for inspection. If the record sought is in active use, in storage or not otherwise available, the applicant will be advised of the reason for the delay in providing access to the record and of the earliest practicable date, time and place that the record will be available for inspection. If an application for inspection of a record is denied because it is of a kind, or contains material enumerated in Section 4 of this regulation, the official custodian shall advise the applicant in writing of the reason for denial, in whole or in part, and shall include a statement of the specific excep-

tion contained in Section 4, and in KRS 61.878, authorizing denial of the application and an explanation of how the exception applies to the record withheld. A copy, signed by the official custodian of the records, of the writing denying any application for the inspection of the public records of any state administrative agency, shall be sent to the Attorney General. If any person who has been denied the right to inspect any public records of a state administrative agency requests the Attorney General to review the denial of his application, the agency shall furnish such additional documentation concerning the circumstances of the denial of inspection of the records and a copy of the records, as the Attorney General may request. If any person denied the right to inspect the records of a state administrative agency elects to file suit against an agency to compel inspection of the records denied, the agency shall immediately advise the Attorney General of the action and forward to the Attorney General on the day served, a copy of the Summons in the action. (3 Ky.R. 175; eff. 9-1-76.)

Exhibit 3

KENTUCKY REVISED STATUTES  
Chapter 17



the same manner as a declaratory judgment suit.

(4) No new or additional evidence shall be introduced in the Franklin Circuit Court, except as to fraud or misconduct of some party engaged in the administration of KRS 16.010 to 16.170, or one who is a member of the trial board, but the court shall otherwise hear the case upon the record as attested by the board, and in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not (a) the board acted without or in excess of its powers; (b) the order appealed from was procured by fraud; (c) if questions of fact are in issue, whether or not any substantial evidence supports the order appealed from. After such a hearing, the court shall enter a judgment sustaining or setting aside the order of the trial board appealed from. The cost of the action shall follow the judgment of the court.

(5) Any person aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure, but such appeal shall be docketed within sixty (60) days from the entry of judgment; unless the time be extended by the circuit court, but in no event beyond one hundred twenty (120) days from the entry of judgment.

HISTORY: 1976 H 731, § 12, eff. 6-19-76  
1952 c 84, § 54; 1948 c 80, § 14

#### 16.170 Political activity forbidden

OAG 75-713. KRS 16.170 prohibits a member of the Kentucky state police from running for public office; and the prohibiting statute does not violate the First Amendment under the holdings of the Supreme Court of the United States.

## Chapter 17

### PUBLIC SAFETY

#### CRIMINAL STATISTICS

- 17.110 Report of offense under penal code to department
- 17.140 Centralized criminal history record information system
- 17.143 Qualified person to administer system; personnel
- 17.147 Duties of bureau of state police
- 17.150 Reports by law enforcement officers and criminal justice agencies; public inspection exemption; regulations
- 17.153 Annual report
- 17.157 Failure of officer to comply, penalty; funds withheld, when

#### CRIMINAL STATISTICS

##### 17.110 Report of offense under penal code to department

(1) All city and county law enforcement agencies shall cause a photograph, a set of fingerprints and a general description report of all persons arrested on a felony charge to be made and two (2) copies of each item forwarded within thirty (30) days after the arrest to the bureau of state police of the department of justice, in accordance with regulations of the department of justice. Such agencies shall furnish any other information involving offenses under the penal code or in their possession relative to law enforcement upon request by the department of justice.

(2) Each city and county law enforcement agency shall advise the bureau of state police of the disposition made of all cases wherein a person has been charged with an offense under the penal code.

HISTORY: 1976 S 295, § 1, eff. 6-19-76  
1958 c 129, § 1, 2

17.115 } See attached  
17.120 }

##### 17.140 Centralized criminal history record information system

(1) A centralized criminal history record information system shall be established in the department of justice under the direction, control and supervision of the commissioner of the bureau of state police.

(2) A centralized criminal history records information system means the system including equipment, facilities, procedures, and agreements for the collection, processing, preservation or dissemination of criminal history records maintained by the department of justice.

HISTORY: 1976 S 295, § 2, eff. 6-19-76  
1968 S 381, § 1

##### 17.143 Qualified person to administer system; personnel

The commissioner shall appoint a qualified person to administer the centralized criminal history record information system. He shall have statistical training and experience and possess a knowledge of criminal law enforcement and administration and of penal and correctional institutions and methods. He shall be furnished with the necessary facilities and equipment and shall appoint clerical and other assistants necessary for the operation of the centralized criminal history record information system.

HISTORY: 1976 S 295, § 3, eff. 6-19-76  
1968 S 381, § 2

##### 17.147 Duties of bureau of state police

The bureau of state police shall:

(1) Collect data necessary for the operation of the centralized criminal history record information system from all persons and agencies mentioned in KRS 17.150.

(2) Prepare and distribute to all such persons and agencies, forms to be used in reporting data to the centralized criminal history record information system. The forms shall provide for items of information needed by federal bureaus or departments engaged in the administration of criminal justice programs.

(3) Prescribe the forms and content of records to be kept by such persons and agencies to insure reporting of data to the centralized criminal history record information system.

(4) Instruct such persons and agencies in the installation, maintenance and use of such records and in the manner of reporting to the centralized criminal history record information system.

(5) Tabulate, analyze and interpret the data collected.

(6) Supply data, at their request, to participating federal bureaus, departments, or criminal justice agencies engaged in the administration of criminal justice programs.

(7) Annually present to the governor, on or before July 1, concerning the criminal statistics of the preceding calendar year, and present at such other times as the commissioner may deem wise, or the governor may request, reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed for general distribution in the interest of public enlightenment.

HISTORY: 1976 S 295, § 4, eff. 6-19-76

1970 S 153, § 4; 1968 S 381, § 3

*See S.B. 64 attached*

17.150 Reports by law enforcement officers and criminal justice agencies; public inspection exemption; regulations

(1) Every sheriff, chief of police, coroner, jailer, judge, magistrate, prosecuting attorney, court clerk, probation officer, parole officer, warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the retarded; state police, state fire marshal, board of alcoholic beverage control; department for human resources; department of transportation; bureau of corrections; and every other person or criminal justice agency, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the department, shall:

(a) Install and maintain records needed for reporting data required by the department.

(b) Report to the department as and when the department requests, all data demanded by it except that such reports concerning a juvenile delinquent shall not reveal his or his parents' identity.

(c) Give the department or its accredited agent access for purpose of inspection.

(d) Cooperate with the department to the end that its duties may be properly performed.

(2) Intelligence and investigative reports maintained by criminal justice agencies are subject to public inspection providing prosecution is completed or a determination not to prosecute has been made. However, portions of such records may be withheld from inspection if such inspection would disclose:

(a) The name or identity of any confidential informant or information which may lead to the identity of any confidential informant.

(b) Information of a personal nature, the disclosure of

which will not tend to advance a wholesome public interest or a legitimate private interest;

(c) Information which may endanger the life or physical safety of law enforcement personnel; or

(d) Information contained in such records to be used in a prospective law enforcement action.

(3) When a demand for the inspection of such records is refused by the custodian of the record, the burden shall be upon the custodian to justify the refusal of inspection with specificity. Exemptions provided by this section shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this section.

(4) Centralized criminal history records are not subject to public inspection. Centralized criminal history records mean information on individuals collected and compiled by the department of justice from criminal justice agencies and maintained in a central location consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and any disposition arising therefrom to include sentencing, correctional supervision and release. Such information is restricted to that recorded as the result of the initiation of criminal proceedings or any proceeding related thereto. Nothing in this subsection shall apply to documents maintained by criminal justice agencies which are the source of information collected by the department of justice. Criminal justice agencies shall retain such documents and no official thereof shall willfully conceal or destroy any record with intent to violate the provisions of this section.

(5) The provisions of KRS Chapter 61 dealing with administrative and judicial remedies for inspection of public records and penalties for violations thereof shall be applicable to this section.

(6) The secretary of justice shall adopt such regulations as are necessary to carry out the provisions of the criminal history record information system and to insure the accuracy of such information based upon recommendations submitted by the commissioner, bureau of state police.

HISTORY: 1976 S 295, § 5, eff. 6-19-76

1974 S 112, Art VI, § 31; 1968 S 381, § 4

#### 17.153 Annual report

(1) The annual report of the bureau shall contain statistics showing:

(a) the number and type of offenses known to public authorities;

(b) the personal and social characteristics of criminals and delinquents; and

(c) the administrative action taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(2) The bureau shall also interpret such statistics and so present the information that it may be of value in guiding the legislature and those in charge of the apprehension, prosecution and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. The report shall include statistics

that are comparable with national criminal statistics published by federal agencies heretofore mentioned.

HISTORY: 1976 S 295, § 6, eff. 6-19-76

1968 S 381, § 5

*See SB 64 attached*

17.157 Failure of officer to comply, penalty; funds withheld, when

(1) Any public official or employee who knowingly or intentionally makes, or causes to be made, a false return of information to the bureau shall be punished by confinement in jail for not more than ninety (90) days, by a fine not exceeding five hundred dollars (\$500), or both.

(2) If any public official or employee required to re-

port to the bureau neglects or refuses to comply with the requests of the bureau, or its rules governing record systems and their maintenance, the bureau chief shall give written notice thereof to the person or persons authorized by law to disburse funds of the governmental agency to the public official or employee involved. No funds of the governmental agency shall thereafter be paid to the public official or employee, whether in the form of salary, fees, expenses, compensation, or otherwise, until the bureau chief notifies the disbursing authority that performance of the required duty has been completed.

HISTORY: 1976 S 295, § 7, eff. 6-19-76

1968 S 381, § 6

## Chapter 21

### JUDICIAL RETIREMENT

#### 21.140 Repealed

HISTORY: 1976 S 162, § 14, eff. 3-23-76

1974 H 232, § 297; 1964 c 72, § 1; 1962 c 234, § 1

#### 21.140 APPEALS IN CRIMINAL CASES

534 SW(2d) 453 (1976). *Allen v. Walter*. An involuntary plea of guilty does not affect waiver of right to trial by jury; therefore, accused is not in jeopardy to extent of prohibiting the granting of a new trial upon an appeal by the Commonwealth.

## Chapter 23

### CIRCUIT COURTS GENERALLY

- 23.010 Court of record; original civil jurisdiction; judge conservator of the peace
- 23.032 Appeal from fine or imprisonment; appeals by city
- 23.035 Reversal, vacation or modification of judgments
- 23.045 Supreme Court to establish circuit court terms
- 23.055 Supreme Court to supervise circuit court dockets
- 23.091 Fiscal court and urban-county governing body to furnish facilities and financial support until January 1, 1978
- 23.110 Extension of term; special terms; when held; how called; notification
- 23.120 When special term mandatory; chief justice may call; notice
- 23.125 Motion day to be established by rule; precedence over assigned juridical day
- 23.150 Orders and judgments in vacation or in chambers
- 23.190 Successor of judge may sign orders
- 23.230 Special judge by agreement if regular judge absent or cannot preside, or office is vacant; designation of special judge by chief justice of Supreme Court
- 23.260 Special judge for special term
- 23.270 Refusal of circuit judge to act; effect

- 23.280 Clerks to notify chief justice of terms; roster to be kept

Note: 1974 S 183, § 2, reads:

(2) The circuit judges in office on the effective date of this amendment shall be continued therein for the duration of their terms. The term of office of eight years provided in this amendment for circuit judges shall apply to the circuit judges elected at the election at which this amendment is adopted.

(4) The term of office of judges of the district court shall be deemed to commence as of the first Monday in January, 1978, and judges shall be elected at the regular election next preceding that date. The district court shall be constituted and organized as of the first Monday in January, 1978.

(5) The quarterly courts, county courts as judicial bodies, justices' courts and police courts in existence on the effective date of this amendment shall continue in existence until the first Monday in January, 1978. For that period those courts shall continue to be governed by the present Constitution and none of the provisions of this amendment shall apply to them, except that those courts shall be deemed a part of the unified judicial system and shall be subject to the general control and

17.115 Criminal identification activities; state institutions and peace officers to cooperate with department.

(1) The Department of Public Safety shall:

(a) Receive and file fingerprints, photographs and other records pertaining to the investigation of crime and the apprehension of criminals; and

(b) Cooperate with the state, county and city law enforcing agencies of other states and of the United States in order to develop and carry on an interstate and national system of criminal identification.

(1962 c 106, Art. 3, § 2 Eff. 6-14-62)

(2) Persons in charge of any penal or correctional institution in the state, and all state law enforcement and peace officers operating identification facilities shall cooperate in providing the department with fingerprints and descriptions of all persons lawfully committed to their custody or detained by them in cases where fingerprints and descriptions are taken, together with a report of the disposition of all cases of such persons. (1962 c 106, Art 3, § 2 Eff. 6-14-62)

17.120 Forwarding reports to Federal government.

The Department of Public Safety shall forward one copy of each photograph, set of fingerprints and general description report received by it to the Federal Bureau of Investigation. (1953 c 129, § 3. Eff. 6-19-53.)

Exhibit 4

KENTUCKY GENERAL ASSEMBLY 1978  
Senate Bill 64



GENERAL ASSEMBLY  
COMMONWEALTH OF KENTUCKY

REGULAR SESSION 1978

---

SENATE BILL NO. 64

---

TUESDAY, JANUARY 3, 1978

---

The following bill was reported to the House from the Senate and  
ordered to be printed.

1. access for purpose of inspection.

2 (d) Cooperate with the department to the end that  
3 its duties may be properly performed.

4 (2) Intelligence and investigative reports main-  
5 tained by criminal justice agencies are subject to public  
6 inspection providing prosecution is completed or a  
7 determination not to prosecute has been made. However,  
8 portions of such records may be withheld from inspection  
9 if such inspection would disclose:

10 (a) The name or identity of any confidential  
11 informant or information which may lead to the identity  
12 of any confidential informant;

13 (b) Information of a personal nature, the disclo-  
14 sure of which will not tend to advance a wholesome public  
15 interest or a legitimate private interest;

16 (c) Information which may endanger the life or  
17 physical safety of law enforcement personnel; or

18 (d) Information contained in such records to be  
19 used in a prospective law enforcement action.

20 (3) When a demand for the inspection of such  
21 records is refused by the custodian of the record, the  
22 burden shall be upon the custodian to justify the refusal  
23 of inspection with specificity. Exemptions provided by  
24 this section shall not be used by the custodian of the  
25 records to delay or impede the exercise of rights granted  
26 by this section.

1 insure the accuracy of such information based upon recom-  
2 mendations submitted by the commissioner, bureau of state  
3 police.

4 (7) The administrative office of the courts may,  
5 upon suitable agreement between the chief justice and the  
6 secretary of justice, supply criminal justice information  
7 and data to the department. No information shall be  
8 solicited from a circuit clerk, justice or judge, court,  
9 or agency of the court of justice unless such sollicita-  
10 tion or request for information is made pursuant to the  
11 agreement which may have been reached between the chief  
12 justice and the secretary of justice.

13 Section 2. KRS 17.157 is amended to read as fol-  
14 lows:

15 (1) Any public official or employe who knowingly or  
16 intentionally makes, or causes to be made, a false return  
17 of information to the bureau shall be punished by con-  
18 finement in jail for not more than ninety (90) days, by a  
19 fine not exceeding \$500, or both.

20 (2) If any public official or employe, except jus-  
21 tices, judges, circuit clerks, and employes of the court  
22 of justice, required to report to the bureau neglects or  
23 refuses to comply with the requests of the bureau, or its  
24 rules governing record systems and their maintenance, the  
25 bureau chief shall give written notice thereof to the  
26 person or persons authorized by law to disburse funds of



Exhibit 5

KRS Chapter 439.510

439.500 Prohibited activities of probation, parole or conditional release officers.

(1) No probation, parole or conditional release officer of the division shall:

(a) Use his office to influence elections, or to influence the political action of any person;

(b) Serve as a member of the campaign committee of any political party;

(c) Interfere with or participate in the preparation for any election, or the conduct thereof at the polling place, or with the election officers while they are performing their duties;

(d) Be in any manner concerned in demanding, soliciting or receiving any assessments, subscriptions or contributions, whether voluntary or involuntary, for any political party or candidate.

(1956 c 101, § 26. Eff. 5-18-56.)

(2) It shall be unlawful for any person to be in any way concerned with demanding or soliciting assessments, subscriptions or contributions for any political party or candidate from any member or employee of the division. (1956 c 101, § 26. Eff. 5-18-56.)

Penalty, 439.990(1) (3)

Position of state probation and parole officer is incompatible with office of mayor. 1960 OAG 57.

439.510 Information obtained by probation, parole or conditional release officer to be privileged.

All information obtained in the discharge of official duty by any probation, parole or conditional release officer shall be privileged and shall not be received as evidence in any court. Such information shall not be disclosed directly or indirectly to any person other than the court, board, department or others entitled under KRS 439.250 to 439.560 to receive such information, unless otherwise ordered by such court, board or department. (1956 c 101, § 27. Eff. 5-18-56.)

Penalty, 439.990(1) (3)

507 SW(2d) 454 (1974), Henderson v Com. It is not an abuse of discretion to deny the disclosure of the information in a criminal trial.

469 SW(2d) 765 (1971), Wood v Com. KRS 439.510 does not apply where the judge announces the contents of the report from the bench.

439.520 Fiscal court to supply suitable office space for probation, parole and conditional release officer.

The fiscal court in each county in which a probation, parole and conditional release officer serves shall provide suitable office space for the officer in or near the court house. (1956 c 101, § 28. Eff. 5-18-56.)

Penalty, 439.990(1)

Position of state probation and parole officer is incompatible with office of mayor. 1960 OAG 57.

439.530 Application of KRS 439.250 to 439.560.

The provisions of KRS 439.250 to 439.560 are hereby extended to all persons who, at the effective date thereof, may be on probation or parole, or eligible to be placed on probation or parole under existing laws, with the same force and effect as if KRS 439.250 to

439.560 had been in operation at the time such persons were placed on probation or parole or became eligible to be placed thereon as the case may be. (1956 c 101, § 29. Eff. 5-18-56.)

Penalty, 439.990(1)

In so far as this statute attempts to extend a five year period to probations granted prior to its enactment it is void. Taylor v Asher, 317 SW(2d) 895.

Statute providing that period of probation may not exceed five years does not apply to persons on parole when act becomes effective in 1958. 1960 OAG 800.

439.540 Powers of division.

The division, with the written approval of the governor may:

(1) Enter into an agreement with the governing body of any county or city of this state for their payment of part of the costs of the performance of services within said county or city by the division relating to any parole, probation or conditional release;

(2) Accept from the United States of America or any of its agencies such advisory services, funds, equipment and supplies as may be available to this state for any of the purposes contemplated by KRS 439.250 to 439.560;

(3) Enter into such contracts and agreements with the United States or any of its agencies, or with any independent or private agency as may be necessary, proper and convenient, not contrary to the laws of this state. (1956 c 101, § 30. Eff. 5-18-56.)

Penalty, 439.990(1)

439.550 Probation by inferior court; supervision by bureau of corrections or others

If any court inferior to the circuit court places a person on probation following a conviction of crime, either upon verdict or plea, the court may direct that such defendant be under the supervision of the bureau of corrections or provide its own supervision through the welfare department of the city or the fiscal court of the county.

HISTORY: 1974 H 232, § 330. eff. 1-1-75

1972 H 200; 1970 H 480; 1956 c 101, § 32

Penalty, 439.990(1)

453 SW(2d) 7 (1970), Bray v Weaver. The justice of the peace is not authorized to "suspend" a jail sentence.

If the judge is agreeable, a part time probation and parole officer, such as a minister or social worker, may be employed; and such procedure would also constitute suitable supervision in compliance with KRS 439.450(2), provided the part time employee complies with KRS 439.280. 1957 OAG 39.589.

By virtue of KRS 439.310 the Department of Welfare may assume supervision of adults placed on probation by county courts. 1957 OAG 40.588.

The county court, by an order duly entered, may designate the local probation officer as probation officer for the quarterly court, and notice of such designation should be forwarded to the division of probation and parole at Frankfort. 1958 OAG 42.333.

County court may not parole a fine in misdemeanor cases, but may probate a defendant and thereby postpone execution of a fine if judgment has not already been entered. OAG 62-1150.

After a magistrate court has sentenced convicted violators, the county judge cannot probate the sentence; an order to the jailer to release them is void unless the parole statute requirements are met, and the jailer is responsible for their return after release by such void order. OAG 63-734.

Exhibit 6

KENTUCKY REVISED STATUTE  
Chapter 532.050

**532.040 Probation and conditional discharge**

When a person is convicted of an offense, other than a capital offense, the court, where authorized by KRS Chapter 533, may sentence such person to a period of probation or to a period of conditional discharge as provided in that chapter. A sentence to probation or conditional discharge shall be deemed a tentative one to the extent that it may be altered or revoked in accordance with KRS Chapter 533, but for purposes of appeal shall be deemed to be a final judgment of conviction. In any case where the court imposes a sentence of probation or conditional discharge, it may also impose a fine as authorized by KRS Chapter 534.

**HISTORY:** 1974 H 232, § 276, eff. 1-1-75

COMMENTARY (1974)

Note: See Commentary under 532.030.

**CROSS REFERENCES**

Suspension of sentence. 21 Am Jur2d, Criminal Law § 552 to 561

Probation generally. 21 Am Jur2d, Criminal Law § 562 to 568

**532.050 Presentence procedure for felony conviction**

(1) No court shall impose sentence for conviction of a felony, other than a capital offense, without first ordering a presentence investigation and giving due consideration to a written report of such investigation.

(2) The report shall be prepared and presented by a probation officer and shall include an analysis of the defendant's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, personal habits, and any other matters that the court directs to be included.

(3) Before imposing sentence for a felony conviction, the court may order the defendant to submit to psychiatric observation and examination for a period not exceeding sixty days. The defendant may be remanded for this purpose to any available clinic or mental hospital or the court may appoint a qualified psychiatrist to make the examination.

(4) Before imposing sentence, the court shall advise the defendant or his counsel of the factual contents and conclusions of any presentence investigation or psychiatric examinations and afford a fair opportunity and a reasonable period of time, if the defendant so requests, to controvert them. The sources of confidential information need not, however, be disclosed.

**HISTORY:** 1974 H 232, § 277, eff. 1-1-75

COMMENTARY (1974)

In deciding upon the disposition of a convicted offender, especially with the many alternatives provided by this Code, a court cannot be expected to discharge its responsibilities without full and accurate information about that offender. Such information usually cannot be gained from a trial of the charges resulting in the conviction. This is especially true where the power to assess the quantity of punishment is left, at least in part, for the jury. In recognition of this, subsection (1) requires a trial judge to receive and consider a presentence report about all persons convicted of felonies. While this provision might be considered to be "procedure" and inappropriate for a code of

"substance," the matter of presentence information is considered so essential to the sentencing objectives of this chapter that the provision cannot be left for promulgation elsewhere.

Subsection (2) allocates responsibility for preparation of the investigation report to the Division of Probation and provides an indication of the types of information to be reported to the court. Subsection (3) serves merely to implement the previous subsections by giving a court the power to order a convicted defendant committed for psychiatric evaluation. Subsection (4) attempts to reconcile a conflict of values concerning confidentiality of the contents of the investigation report. Without doubt, there exists a need to protect the confidence of sources of information contained in such a report. Valid opinions concerning the general character of a defendant would not be otherwise available. On the other hand, basic fairness to a defendant requires that he be informed of the general content of the report and, thereby, given an adequate opportunity to contest the information provided the court. Subsection (4) takes a middle position between complete disclosure of the entire report and no disclosure at all.

The former law on this subject was limited to one statutory provision, KRS 439.280. It required an investigation report only if probation was to be granted. KRS 532.050 merely serves to expand the use of such a report by requiring its preparation and consideration in all felony cases.

**CROSS REFERENCES**

See Brickey, Kentucky Criminal Law § 29.02, 29.07(1)

Court's right, in imposing sentence, to hear evidence of, or to consider other offenses committed by defendant. 96 ALR2d 768

Necessity and sufficiency of question to defendant as to whether he has anything to say while sentence should not be pronounced against him. 96 ALR2d 1292

Defendant's right to disclosure of presentence report. 40 ALR3d 681

**532.060 Sentence of imprisonment for felony**

(1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070.

(2) The authorized maximum terms of imprisonment for felonies are:

(a) For a Class A felony, not less than twenty years nor more than life imprisonment;

(b) For a Class B felony, not less than ten years nor more than twenty years;

(c) For a Class C felony, not less than five years nor more than ten years; and

(d) For a Class D felony, not less than one year nor more than five years.

(3) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

**HISTORY:** 1974 H 232, § 278, eff. 1-1-75

COMMENTARY (1974)

**The Pre-existing Sentencing Process**

Joining a small minority of jurisdictions, Kentucky has had jury sentencing. This is to say, however, only that the jury made an initial determination as to the length of sentence. Within the limits provided by the statute which defined the crime committed, the jury established the maximum period which an offender could be imprisoned. Once that decision was made, there were two ways in which redetermination of the actual length of imprisonment could occur.

One of the two involved a trial judge's power of probation of a convicted offender. That power, as defined in KRS

Exhibit 7

PROPOSED CENTRAL REPOSITORY  
IDENTIFICATION BADGE

## CENTRAL REPOSITORY

REPOSITORY		
NAME		
PHOTO	CLASS	DATE
	CUSTODIAN	
	COMMISSIONER	

1. NAME - FULL NAME OF EMPLOYEE
2. CLASS - INDICATE AREA OF REPOSITORY WHERE INDIVIDUAL IS ALLOWED ACCORDING TO THE FOLLOWING CODE
  - A. FILE AREA DIRECT ACCESS
  - B. CARD FILE - DIRECT ACCESS TO CARD FILE WITH INQUIRY TO RECORDS FILE ON A NEED TO KNOW BASIS.
  - C. INQUIRY ONLY- PERMITTED IN AREA BUT NOT IN FILES.
3. DATE - INDICATES EFFECTIVE DATE FOR BADGE : BADGE SHOULD BE RENEWED EVERY YEAR WITH DIFFERENT COLOR.
4. CUSTODIAN- SIGNATURE OF CUSTODIAN OF RECORDS
5. COMMISSIONER- SIGNATURE OF COMMISSIONER, BUREAU OF STATE POLICE

DRAFT COPY

Exhibit 8

CURRENT CERTIFICATION STATEMENTS



OFFICE OF THE  
COMMISSIONER

COMMONWEALTH OF KENTUCKY  
DEPARTMENT OF JUSTICE  
BUREAU OF CORRECTIONS  
FRANKFORT 40601

May 22, 1978

MAY 30 10 21 AM '78  
BUREAU OF STAFF SERVICES

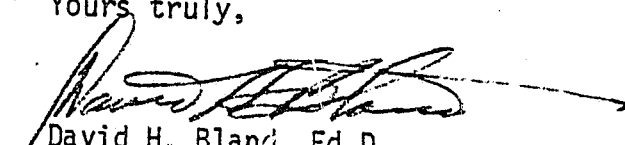
Mr. Ronald J. McQueen, Administrator  
Executive Office of Staff Services  
Department of Justice  
State Office Annex  
Frankfort, Kentucky 40601

Dear Ron:

In regard to your letter dated May 3, 1978, attached are the compliance forms pertaining to the federal security and privacy regulations. I have only checked those procedures which are directly related to the Bureau of Corrections.

Please keep me advised of any new developments related to this matter and let me know if I can be of further assistance.

Yours truly,

  
David H. Bland, Ed.D  
Commissioner

Attachment



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

Kentucky Department of Justice  
Bureau of Corrections  
State Office Building  
Frankfort, Kentucky 40601

## APPLICABLE STATE

Kentucky

## DATE PREPARED

5-19-78

## CONTACT NAME

Michael R. Young

## TEL. NO. (Give Area Code)

502-564-4726

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 ☐

## Indicate the type of agency:

☐ PROSECUTION☐ PUBLIC DEFENDER☐ POLICE☐ COURTS☒ CORRECTIONS

## Indicate the type of system:

☒ SUBJECT IN PROCESS ☒ CRIMINAL HISTORY

## 5. Is the system automated?

☐ YES☐ NO☒ PARTIALDoes the system(s) exchange information with other systems? ☒ YES ☐ NO

If "Yes," specify which other systems:

☐ REGIONAL ☒ CENTRAL STATE REPOSITORY ☒ NCIC ☒ OTHER (specify) Courts

Indicate population of primary geographic jurisdiction being served:

State of Kentucky

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

Name of authorized agency official

David H. Bland

10. Title

Commissioner

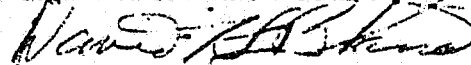
11. Agency name and address

Kentucky Department of Justice  
Bureau of Corrections  
State Office Building  
Frankfort, Kentucky 40601

12. Tel. No. (Give Area Code)

502-564-4726

13. Signature of authorized official





**DATES**

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

Covington Police Department  
303 COURT ST.  
COVINGTON, KY. 41011

## APPLICABLE STATE

## DATE PREPARED

050578

## CONTACT NAME

## TEL. NO. (Give Area Code)

Lt Col. Art Heeger 1-606-292-2221

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:

Kenton County, Ky  
107,000

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

A. Heeger

10. Title

Asst. Chief

11. Agency name and address

Covington Police  
303 COURT ST  
COVINGTON, KY 41011

12. Tel. No. (Give Area Code)

1-606-292-2221

13. Signature of authorized official

Art Heeger



DATES

REMARKS

RECEIVED CERTIFICATION FOR A  
DEPT. OF JUSTICE CENTRAL STATE REPOSITORY

APPLICABLE STATE

OF ST. Kentucky

TELEPHONE NO. (Give area co.

CHECK MARKS

**DATA**

**• NOW  
IMPLEMENTED**

REASONS FOR  
NON-USE/RE-EVENTATION

COST|TECHNICAL|SECTION

ESTIMATED  
IMPLEMENTATION  
DATE

✓

✓  
✓  
✓  
✓  
✓

10

•

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: (a) control group and (b) experimental group. The control group was divided into two subgroups: (a1) control group and (a2) control group. The experimental group was divided into two subgroups: (b1) experimental group and (b2) experimental group. The control group (a1) was divided into two subgroups: (a1.1) control group and (a1.2) control group. The experimental group (b1) was divided into two subgroups: (b1.1) experimental group and (b1.2) experimental group. The control group (a2) was divided into two subgroups: (a2.1) control group and (a2.2) control group. The experimental group (b2) was divided into two subgroups: (b2.1) experimental group and (b2.2) experimental group.

✓

Number of hauls	<i>A. balearicum</i> (%)	<i>A. balearicum</i> + <i>A. balearicum</i> + <i>A. balearicum</i> (%)
0	0	0
1	20	80
2	10	70
3	20	80
4	10	70
5	20	80
6	10	70
7	20	80
8	10	70
9	20	80
10	10	70

1

0

1

201

100

10

10

✓

5

7

1

10

10

100

**DATES**





WILLIAM B. STANSBURY  
MAYOR

# CITY OF LOUISVILLE KENTUCKY

## DEPARTMENT OF PUBLIC SAFETY DIVISION OF POLICE

Friday, May 26, 1978

RECEIVED  
DEPT. OF JUSTICE  
MAY 30 1978  
EX-100  
OF STAFF  
JON F. HIGGINS  
CHIEF OF POLICE  
PHILIP H. SCHOLTZ  
DIRECTOR OF SAFETY

Mr. Ronald J. McQueen  
Department of Justice  
Frankfort, Kentucky

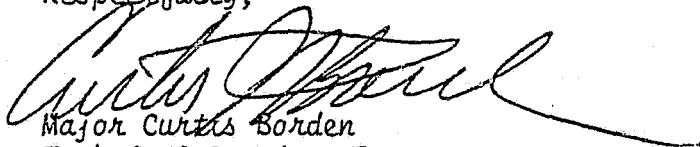
Dear Mr. McQueen:

After our conversation on May 25, 1978 I contacted our legal adviser who had arranged with Mr. Vance Arnell for an extension on the deadline for submitting the attached certificate.

There were never any questions in my mind concerning this department being covered by the regulations requiring the certification. I felt that I needed the certification form itself explained in detail.

That is basically the reason for the delay. I sincerely hope that this delay has not caused you any delay in submitting your reports to the Federal people.

Respectfully,

  
Major Curtis Borden  
Technical Services Bureau  
Louisville Division of Police

CB/mlf



**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)

## DEPT. 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

LOUISVILLE DIVISION OF POLICE  
633 W. Jefferson Street  
Louisville, Kentucky 40202

APPLICABLE STATE

KENTUCKY

DATE PREPARED

May 26, 1978

CONTACT NAME

Major Curtis J. Borden

TEL. NO. (Give Area Code)

502-581-2560

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:

370,000

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

Major Curtis J. Borden

10. Title

Director, Technical Services Bureau

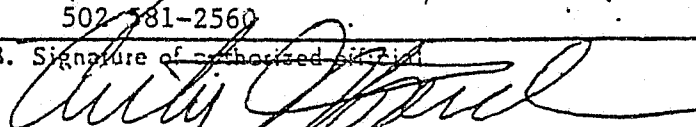
11. Agency name and address

Louisville Division Of Police  
633 West Jefferson Street  
Louisville, Kentucky 40202

12. Tel. No. (Give Area Code)

502-581-2560

13. Signature of authorized official



CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

LOUISVILLE DIVISION OF POLICE  
633 West Jefferson Street  
Louisville, Kentucky 40202

KENTUCKY

May 26, 1978

Major Curtis J. Borden

502 581-2560 .

**XX POLICE**

**PROSECUTOR**

☐ COURT

☐ PROBATION

☐ CORRECTIONAL  
INSTITUTION

☐ PAROLE

INSTRUCTIONS: Complete the following, as appropriate.

### 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

- CHECK MARKS

**DATES**

**NOW  
IMPLEMENTED**

REASONS FOR NON-IMPLEMENTATION	
COST/TECHNICAL	LACK OF AUTHORITY

ESTIMATED  
IMPLEMENTATION  
DATE

2

Y

3

3

**DATES**

### Correction/Notification of Error

## REMARKS

This department maintains as always criminal history information, but only disseminate this information upon request and in accordance with the state open records law.

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

RECEIVED  
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

Jefferson County Police Department  
600 West Jefferson Street  
Louisville, Kentucky 40202

APPLICABLE STATE

Jefferson County  
Kentucky

DATE PREPARED

050878

CONTACT NAME

Col. E. G. Helm

TEL. NO. (Give Area Code)

(502) 588-2000

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:

450,000

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

Colonel E. G. Helm, Chief of Police

10. Title

Chief of Police

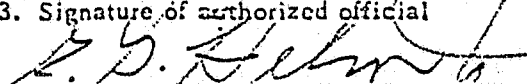
11. Agency name and address

Jefferson County Police Department  
600 West Jefferson Street  
Louisville, Kentucky 40202

12. Tel. No. (Give Area Code)

(502) 588-2000

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

Jefferson County Police Department  
600 West Jefferson Street  
Louisville, Kentucky 40202

APPLICABLE STATE

Jefferson County  
Kentucky

DATE PREPARED

050878

CONTACT NAME

Col. E. G. Helm

TELEPHONE NO. (Give area code)

(502) 588-2000

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

CHECK MARKS

DATES

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
✓				Pending Stat Plan
			✓	"
			✓	"
			✓	"
			✓	"
			✓	"
✓				
✓				
✓				
✓				
✓				
			✓	"
✓				
✓				
			✓	
✓				
✓				
			✓	



**DATES**

**Correction/Notification of Error**

REMARKS

<b>U. S. DEPARTMENT OF JUSTICE</b> <b>LAW ENFORCEMENT ASSISTANCE ADMINISTRATION</b> <b>NATIONAL CRIMINAL JUSTICE INFORMATION AND</b> <b>STATISTICS SERVICE</b> WASHINGTON, D. C. 20531		<b>INFORMATION</b> <b>STATEMENT</b> (28 CFR 20.1 - 20.38)		<b>INSTRUCTIONS</b> <i>Please provide the following information:</i> <i>complete the attached certification form</i> <i>and return all parts to the address at</i> <i>the left.</i>	
NAME/ADDRESS OF SUBMITTING AGENCY  Henderson Police Department 101 North Water Street Henderson, Kentucky 42420		APPLICABLE STATE Kentucky		DATE PREPARED 16 May 78	
		CONTACT NAME Major Robert Melton		TEL. NO. (Give Area Code) (502) 827-1515	

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) Other-Police Agencies

7. Indicate population of primary geographic jurisdiction being served:

28,500

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

Homer L. Browder

10. Title

Chief of Police

11. Agency name and address

Henderson Police Department  
101 N. Water Street  
Henderson, Kentucky 42420

12. Tel. No. (Give Area Code)

(502) 827-1515

13. Signature of authorized official

*Homer L. Browder*

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

Henderson Police Department  
 101 North Water Street  
 Henderson, Kentucky 42420

## APPLICABLE STATE

Kentucky

## DATE PREPARED

16 May 78

## CONTACT NAME

Major Robert Melton

## TELEPHONE NO. (Give area code)

(502) 827-1515

## 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

## CHECK MARKS

## DATES

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



HOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION	ESTIMATE IMPLEMENTATION DATE
	COST TECHNICAL BARRIERS	
	LACK OF AUTHORITY	

### Correction/Notification of Error

## REMARKS

\* Henderson Police Dept. --Implemented results of 1973 IACP Study that was awarded to Henderson County. The reason for this is that they provide nightti dispatcher for Henderson County Sheriff Dept.

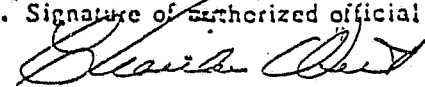
U. S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE INFORMATION AND  
STATISTICS SERVICE  
WASHINGTON, D. C. 20531

INFORMATION  
STATEMENT

(28 CFR 20.1 - 20.34)

INSTRUCTIONS

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

NAME/ADDRESS OF SUBMITTING AGENCY Henderson County Sheriffs Dept. Henderson County Court House Henderson, Kentucky 42420		APPLICABLE STATE -- Kentucky	DATE PREPARED 5-8-78
		CONTACT NAME Charles West	TEL. NO. (Give Area Code) 502-826-2713
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 checked="" 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 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? <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 type="checkbox"/> OTHER (specify) _____			
7. Indicate population of primary geographic jurisdiction being served: Henderson Co., 37,000		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 Charles West, Sheriff		10. Title Henderson County Sheriff	
11. Agency name and address Henderson County Sheriff Dept. Ctthouse Henderson, Kentucky 42420		12. Tel. No. (Give Area Code) 502-826-2713	
		13. Signature of authorized official 	



Lexington  
Fayette  
Urban  
County  
Government



RECEIVED  
DEPT. OF JUSTICE

MAY 16 10 39 AM '78

EXECUTIVE OFFICE  
OF STAFF SERVICES

DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF POLICE

May 15, 1978

Mr. Ronald J. McQueen, Administrator  
Executive Office of Staff Services  
Department of Justice  
Frankfort, Kentucky 40601

Dear Mr. McQueen:

Per your correspondence dated May 8, 1978, you will find enclosed a completed certification form. Hopefully, the information provided is accurate and complies with existing LEAA Regulations.

Should you have any questions, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nolan W. Freeman".  
Nolan W. Freeman  
Chief of Police

NWF:TCS:mgm

xc: Asst. Chief Timothy C. Scully

Enclosure



RECEIVED  
DEPT. OF JUSTICE  
MAY 16 10 39 AM '78  
EXECUTIVE OFFICE  
OF STAFF SERVICES

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
DIVISION OF POLICE  
OFFICE OF CHIEF OF POLICE

Date 5-8-78

CO  
DEPA

Attached Referred To

M Chief Scully

For the purpose indicated by the check:

- ☒ Please handle this.
- ☐ For your information. *BY MAY 15th*
- ☐ Your comments, please. *IN MY OFFICE*

Received *5-8-78*  
*[Signature]*

RONALD J. McQUEEN, ADMINISTRATOR  
EXECUTIVE OFFICE OF STAFF SERVICES

Chief Nolan W. Freeman  
Division of Police  
Lexington-Fayette Urban County  
Government  
1409 Forbes Road  
Lexington, Kentucky

*[Signature]*

Dear Chief Freeman:

On May 20, 1975, the United States Department of Justice issued Regulations to govern the security and privacy of Criminal Justice Information maintained by governmental agencies. These Regulations were issued pursuant to Section 514(b) of the Crime Control Act of 1973 which directed the Law Enforcement Assistance Administration to establish regulations over the collection, storage and dissemination of criminal history record information and to provide procedures for an individual to review and challenge that information.

Only those agencies which received funds from the Law Enforcement Assistance Administration after July 7, 1973, for collecting, storing or disseminating criminal history record information are immediately covered by the Regulations. Agencies which receive criminal history record information (e.g. rap sheets) from the Federal Bureau of Investigation or other criminal justice agencies will eventually be covered by the Regulations through User Agreements which must be signed to receive the information.

Your department appears to be covered by the Regulations.

RECEIVED  
DEPT. OF JUSTICE

MAY 15 10 40 AM '78


EXECUTIVE OFFICE  
OF STAFF SERVICES

The Department of Justice is currently in the process of updating information related to the privacy and security of criminal history information. In 1976, several agencies across the Commonwealth were required to comply with LEAA Regulations and complete a certification form which was returned to the Bureau of State Police. In order to update the existing Security and Privacy Plan by June 1, 1978, it has become necessary to have these same agencies complete a second certification form.

There have been several changes in the federal regulations which could affect responses on the certification statement for criminal justice agencies. To aid you in completion of this form, we have enclosed the most current copy of the Regulations with amendments added December 6, 1977. It will be necessary for anyone completing the certification statement to become familiar with the definitions section of the Regulations. Since your agency operates an automated or manual information system and you have accepted LEAA funds since July 7, 1973, to store criminal history information as defined in the Regulations, it will be necessary to read all sections concerning the security of such systems.

The Department of Justice has a strict deadline for compliance on this issue so it becomes necessary to request that the compliance forms from your agency be back to this office by no later than Friday, May 19, 1978. If you have any questions or desire any further information, please do not hesitate to contact Mr. Vance Arnett at area code 502-564-7436.

Respectfully,



Ronald J. McQueen  
Administrator

RJMc:njm

Enclosures

cc: Commissioner L. Bert Hawkins  
Department for Public Safety

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

Lexington-Fayette Urban County Govt.  
DIVISION OF POLICE  
1409 Forbes Road  
Lexington, Kentucky 40505

APPLICABLE STATE

KENTUCKY

DATE PREPARED

5-10-78

CONTACT NAME

Wm. D. Carpenter  
Captain, Central Rec.

TEL. NO. (Give Area Code)

606- 253-2421  
Ext. 102

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☒ PARTIAL6. Does the system(s) exchange information with other systems? ☐ YES ☒ NO

"Yes," specify which other systems:

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

7. Indicate population of primary geographic jurisdiction being served:

210,000

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

Nolen W. Freeman

10. Title

Chief of Police

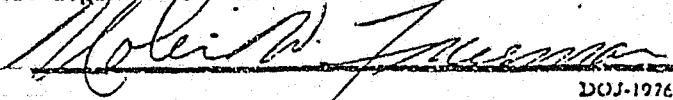
11. Agency name and address

Lexington-Fayette Urban County Govt.  
1409 Forbes Road  
Lexington, Ky. 40505

12. Tel. No. (Give Area Code)

606- 253-2421

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

RECEIVED  
DEPT. OF JUSTICE

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

EXECUTIVE OFFICE  
OF STAFF SERVICES

## NAME/ADDRESS OF SUBMITTING AGENCY

Lexington-Fayette Urban County Govt.  
Division of Police  
409 Forbes Road  
Lexington, Ky. 40505

Kentucky

## DATE PREPARED

5-10-78

## CONTACT NAME

Wm. D. Carpenter

## TELEPHONE NO. (Give area code)

606- 253-2421

Capt. Central Records

Ext- 102

## 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

CHECK MARKS			DATES
NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION		ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL LACK OF AUTHORITY	
X			
X			
X			
		X	
		X	
		X	
		X	
		X	1-77
		X	1-77
X			
X			
X			
X			
X			
X			
X			
		X	7-76
		X	7-76
		X	7-76

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

CHECK MARKS

**DATES**

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

ESTIMATED  
IMPLEMENTATION  
DATE

6

7-76

7-76

7-76

7-76

7-76

7-76

7-76

7-76

7-76

REMARKS

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

INFORMATION  
STATEMENT

(25 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

KENTON COUNTY POLICE DEPARTMENT  
5766 Madison Pike, Ky 17  
Independence, Kentucky 41051

## APPLICABLE STATE

Kentucky

## DATE PREPARED

May 8, 1978

## CONTACT NAME

J.E. Callahan Jr.  
Chief of Police

## TEL. NO. (Give Area Code)

606-356-3191

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 January 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) F.B.I.

7. Indicate population of primary geographic jurisdiction being served:

PRIMARY 18,000-25,000COUNTY WIDE 135,000

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

Chief J.E. Callahan Jr.

10. Title

Chief of Police

11. Agency name and address

Kenton County Police Dept.  
5766 Madison Pike, Ky 17,  
Independence, Ky. 41051

12. Tel. No. (Give Area Code)

606-356-3191

13. Signature of authorized official

J.E. Callahan Jr.



[illegible]

REMARKS

EX-100  
MAY 10 10 19 AM '72  
EXECUTIVE OFFICE  
OF STAFF SERVICES

RECEIVED  
DEPT. OF JUSTICE



CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

DATE PREPARED

635-2166

☐ PAROLE

### Secondary Dissemination Logs

(Continue on reverse)

# 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	
X				
X				
X				
				12/12/78
X				
X				
X				
				12/12/78
				12/12/78
				12/12/78
X				
X				
X				
X				
				12/12/77
				12/12/78
X				
X				
X				
X				
X				
X				
X				

REMARKS

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

CERTIFICATION FOR A  
CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY

CAMPBELL COUNTY POLICE DEPT.  
17 E. Main St.  
Alexandria, Ky. 41001

APPLICABLE STATE

Kentucky

DATE PREPARED

5/19/78

CONTACT NAME

Chief George Arnold

TELEPHONE NO. (Give Area Code)

635-2166

INSTRUCTIONS: Complete the following as appropriate.

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 Courts

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's Restrictions On

Infinite Retention Dissemination

Continuation of Retention 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

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

# 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			ESTIMATE TO IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
X				
				12/12/78
X				
X				
X				
				12/12/78
				12 2
				12/12/78
X				
X				
X				
				12/12/78
				12/12/78
X				
X				
X				
X				
X				
X				

## CERTIFICATION

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.

SIGNATURE (Head of State Agency designated to be responsible for these regulations)

*George Arnold*

## 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

CAMPBELL COUNTY POLICE DEPARTMENT  
17 E. Main St.  
Alexandria, Ky. 41001

APPLICABLE STATE

DATE PREPARED

5/19/78

CONTACT NAME

TEL. NO. (Give Area Code)

George Arnold,  
Chief of Police

635-2166

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:

85,000

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

George Arnold

10. Title

Chief of Police

11. Agency name and address

Campbell County Police Dept.  
17 E. Main St.  
Alexandria, Kentucky 41001

12. Tel. No. (Give Area Code)

635-2166

13. Signature of authorized official

*George Arnold*



# CAMPBELL COUNTY POLICE DEPARTMENT

COURT HOUSE

ALEXANDRIA, KENTUCKY

PHONE 635-2166



GEORGE ARNOLD  
CHIEF

March 3, 1976

JACK EDGLEY  
ASS'T. CHIEF

THE KENTUCKY POST  
421 Madison Avenue  
Covington, Kentucky 41011

Gentlemen:

Pursuant to Section 524 (b) of the Crime Control Act of 1973,  
please publish the following:

## LEGAL NOTICE

The Campbell County Police Department, City of Alexandria, County of Campbell, State of Kentucky, in compliance with and pursuant to, Section 524 (b) of the Crime Control Act of 1973 hereby issues and publishes the following procedures for access and review of individual criminal history records maintained by said Department.

(a) Any individual, upon request, upon satisfactory verification of his identity by fingerprint comparison, may review criminal history record information maintained about him in a Department of Justice criminal history record information system.

(b) Any individual, after reviewing his criminal history, believes that it is incorrect or incomplete in any respect and wishes changes, he may, after submitting an affidavit stating he intends to attack the validity of said criminal history record, receive a copy of the record in question.

**LEGAL NOTICE**  
The Campbell County Police Department, City of Alexandria, County of Campbell, State of Kentucky, in compliance with and pursuant to, Section 524 (b) of the Crime Control Act of 1973 hereby issues and publishes the following procedures for access and review of individual criminal history records maintained by said Department.  
(a) Any individual, upon request, upon satisfactory verification of his identity by fingerprint comparison, may review criminal history record information maintained about him in a Department of Justice criminal history record information system.  
(b) Any individual, after reviewing his criminal history, believes that it is incorrect or incomplete in any respect and wishes changes, he may, after submitting an affidavit stating he intends to attack the validity of said criminal history record, receive a copy of the record in question.  
GEORGE ARNOLD  
Chief of Police  
Campbell County, Kentucky  
786855—Pub.: March 6, 1976

GEORGE ARNOLD  
Chief of Police  
Campbell County, Kentucky

*George Arnold*  
George Arnold  
Chief of Police

GA/jv

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

BOONE COUNTY POLICE DEPT  
WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

APPLICABLE STATE

KENTUCKY

DATE PREPARED

5-4-78

CONTACT NAME

Col Tom Schwartz

TEL. NO. (Give Area Code)

606-586-6100

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:

40,000

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

Col Tom Schwartz Jr

10. Title

CHIEF OF POLICE

11. Agency name and address

BOONE COUNTY POLICE DEPT.  
WASHINGTON STREET

12. Tel. No. (Give Area Code)

606-586-6100

13. Signature of authorized official

Col Tom Schwartz Jr

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

BOONE COUNTY POLICE DEPT.

WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

APPLICABLE STATE

KENTUCKY

DATE PREPARED

5-4-78

CONTACT NAME

CO. Tom Schwartz

TELEPHONE NO. (Give area code)

606-586-6100

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

CHECK MARKS			DATES	
NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
				3-16-76
✓				
✓				
			✓	
			✓	
			✓	
			✓	
	✓			3-16-76
				3-16-76
				3-16-76
				3-16-76
				3-16-76
			✓	3-16-76
			✓	3-16-76
				3-16-76
	✓			3-16-76
				3-16-76



**DATES**

### Correction/Notification of Error

ESTIMATED  
IMPLEMENTATION  
DATE

3-16-27

0-14-

As per my conversation with Col Schwartz on 5/10/78  
Col's last column dates belong in "New Implemented"  
Column they are implemented as of 3/10/76

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

Carrollton Police Department  
512 Sycamore Street  
Carrollton, Kentucky 41008

## APPLICABLE STATE

Kentucky

## DATE PREPARED

May 4, 1978

## CONTACT NAME

Delbert Hudson

## TEL. NO. (Give Area Code)

(502) 732-6621

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:

12,000

8. Indicate approximate number of subjects included system:

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

9. Name of authorized agency official

Delbert Hudson

10. Title

Chief of Police

11. Agency name and address

Carrollton Police Department  
512 Sycamore Street  
Carrollton, Kentucky 41008

12. Tel. No. (Give Area Code)

(502) 732-6621

13. Signature of authorized official

*Delbert Hudson*

RECEIVED  
MAY 10 12 AM '78  
DEPT. OF JUSTICE  
EXCLUSIVE OFFICE  
OF STAFF SERVICES

CERTIFICATION FOR  
AGENCY SYSTEMS OTHER THAN  
THE CENTRAL STATE REPOSITORY

DATE PREPARED

May 4, 1978

TELEPHONE NO. (Give area code)

(502) 732-6621

☐ PAROLE

## OPERATIONAL PROCEDURES

### Secondary Dissemination Logs

[illegible]

(3)

- 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

[illegible]

REMARKS

MAY 5 10 42 AM '65  
 RECEIVED  
 DIRECTOR  
 FEDERAL BUREAU OF INVESTIGATION  
 DEPARTMENT OF JUSTICE  
 FROM THE  
 ATTORNEY GENERAL  
 OFFICE OF THE ATTORNEY GENERAL  
 DEPARTMENT OF JUSTICE  
 MAY 5 1965  
 EXTERNAL SERVICES  
 OF STAFF SERVICES

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

CERTIFICATION FOR A  
CENTRAL STATE REPOSITORY

NAME/ADDRESS OF SUBMITTING AGENCY

Commonwealth of Kentucky  
Central Repository  
State Office Building  
Frankfort, Kentucky 40601

APPLICABLE STATE

Kentucky

DATE PREPARED

5-24-78

CONTACT NAME

Sgt. James Evans

TELEPHONE NO. (Give area code)

(502) 564-3654

INSTRUCTIONS: Complete the following as appropriate.

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 Courts

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 Restriction On:

Juvenile Record Dissemination  
Continuation 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

CHECK MARKS

DATES

NOW IMPLEMENTED	REASONS FOR NON-IMPLEMENTATION			ESTIMATED IMPLEMENTATION DATE
	COST	TECHNICAL	LACK OF AUTHORITY	
✓				
✓				
✓				
			✓	
			✓	7-1-78
			✓	7-1-78
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**END**