


<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Veronica Gilliard, Chief/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Agencies Authorized to Obtain Information from California Law Enforcement Telecommunications System (CLETS)</p>	<p><i>No.</i> 24-11-CJIS</p>	<p><i>Contact for information:</i> CLETS Administration Section cas@doj.ca.gov</p>
	<p><i>Date:</i> 08-22-2024</p>	

TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES

Law enforcement agencies authorized by the California Department of Justice (DOJ) to access CLETS must adhere to all state and federal statutes, regulations, and policies governing criminal justice information, including the [CLETS Policies, Practices and Procedures \(PPP\)](#) and the [Federal Bureau of Investigation \(FBI\) Criminal Justice Information Services Security Policy \(CSP\)](#). Adherence to these authorities is essential to ensure the confidentiality and integrity of the information contained within the criminal justice information system.

Under Penal Code section 11077, DOJ has primary responsibility for protecting the security of criminal offender record information in California. Government Code section 15153 requires DOJ to oversee the operation of CLETS and, in consultation with an advisory committee, to enforce and establish policies for access to CLETS. (See CLETS PPP.) Additionally, federal statutes, regulations, and policies govern access to criminal justice information systems, like CLETS, and the information derived from those systems. (See, e.g., 28 U.S.C. § 534; 28 C.F.R. Part 20 et seq.; FBI CSP.)

Under CLETS PPP section 1.6.4, and as required by federal law, “[o]nly authorized law enforcement, criminal justice personnel or their lawfully authorized designees may use a CLETS terminal or have access to information derived from CLETS.”

Law enforcement agencies that are authorized to access CLETS are defined as those agencies “having statutory powers of arrest and whose primary function is that of apprehension and detection.” Such agencies include “sheriffs, city police departments, California Highway Patrol, Department of Justice, and the Federal Bureau of Investigation.” (CLETS PPP, § 1.3.1.A; see also 28 C.F.R. § 20.3, subd. (b) and (g); FBI CJIS Security Policy, § 3.2.4.)

Criminal justice agencies that are authorized to access CLETS are defined as those “whose primary purpose is detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, rehabilitation of accused persons or criminal offenders, criminal identification activities, and the collection, storage and dissemination of criminal history record information. Such agencies include “district attorneys, courts, probation departments, and other miscellaneous local, state and federal agencies performing such functions.” (CLETS PPP, § 1.3.1.B; see also 28 C.F.R. § 20.3, subd. (b) and (g); FBI CJIS Security Policy, § 3.2.4.)

We understand that non-criminal justice agencies, such as the California Commission on Peace Officer Standards and Training (POST) and local civilian oversight boards, may send requests to law enforcement agencies for unredacted CLETS information, which may include an individual’s confidential state or federal criminal history information and other protected data. However, police

oversight agencies, such as POST and local civilian oversight boards, are neither a law enforcement agency, nor a criminal justice agency, as defined under state and federal authorities. Thus, they do not currently meet the conditions for accessing CLETS and CLETS-derived information upon request.

If California law enforcement agencies fail to comply with federal statutes, regulations, and policy, the FBI has the authority to ban all California law enforcement agencies from accessing federal criminal justice information.

Notwithstanding the above, POST and local civilian oversight boards may access CLETS and CLETS-derived information through a validly issued subpoena or other court order. (See generally, CLETS PPP, § 1.6.4.C.; FBI CJIS Security Policy, § 4.1.) Law enforcement agencies must provide CLETS and CLETS-derived information in response to a validly issued subpoena or court order unless they obtain judicial relief from that subpoena or court order. When a law enforcement agency is producing information in response to a subpoena, to save time and effort for all parties, DOJ suggests that the parties coordinate the issuance, service, and acceptance of any subpoena, as well as the anticipated response to the subpoena. These efforts can help a law enforcement agency avoid unnecessarily redacting CLETS or CLETS-derived information when responding to the subpoena.

Authorized law enforcement and criminal justice agencies may contact DOJ's CLETS Administration Section (CAS) regarding this bulletin or the CLETS PPP at cas@doj.ca.gov.

Sincerely,



VERONICA GILLIARD, Chief/CIO
California Justice Information Services Division

For ROB BONTA
Attorney General