

VILLAGE OF WALDEN

POLICE DEPARTMENT

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WALDEN, NEW YORK 12586

Jeffry Holmes
Chief of Police

GENERAL ORDER

NO: 17.21

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Subject: E-Justice Policy	
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Issuing Authority: Chief Jeffry Holmes	

Purpose:

The purpose of this General Order is to provide directions to members of the Department for use of e-Justice.

Policy:

It shall be the policy of the Village of Walden Police Department that E-Justice is for official use and may only be used for criminal justice purposes.

Note – The procedures outlined herein are to be followed **in addition to** the procedures outlined within the e-Justice Manual.

E-Justice Code of Ethics:

A) Members of the Department shall follow the Code of Ethics.

- 1) No member or employee authorized to access information available via E-Justice should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties associated with accessing E-Justice .
- 2) All E-Justice rules and regulations will be adhered to. These rules are available on the E-Justice system under the “resources” menu.

- 3) Members and employees of an agency authorized to access E-Justice information shall not:
 - (a) Accept any employment or engage in any business or professional activity that will require him/her to disclose confidential information gained through E-Justice
 - (b) Disclose confidential criminal justice information acquired during official duties or use such information to further his/her personal interest.
 - (c) Use or attempt to use the ability to access E-Justice to secure unwarranted privilege or exemptions for him/her or others.
 - (d) By conduct, give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of official duties associated with E-Justice, or that he/she is affected by the kinship, rank, position, or influence of any party or person.

Procedures:

- A) Employees of the Village of Walden Police Department shall be certified users of the E-Justice system as follows:
 - 1) Dispatchers shall be BAS, DAT and CCH current.
 - 2) Officers shall be BAS and DAT current (at a minimum).
 - 3) Supervisors shall be BAS, DAT and CCH current.
- B) It is the responsibility of the employee to make sure that all tests are taken and that their certifications stay current.
- C) The Chief of Police has appointed the Training Sergeant as the E-Justice Terminal Agency Coordinator (TAC) pursuant to e-Justice policy.
- D) The TAC shall ensure that monthly validations are completed.
- E) Transmissions of judicial or other subpoenas are prohibited.
- F) Death notification and funeral arrangement messages may be sent if the following conditions are met:
 - 1) Death notification or funeral arrangement messages may only be sent for active or retired criminal justice officers.
 - 2) Generally, such messages should be restricted to the region of origin, unless the message is of specific interest to other areas of the state.
 - 3) Notifications may not be sent outside New York State except for police officers killed in the line of duty.

- 4) A copy of all death notification and funeral arrangement messages must be sent to the New York State Police in Albany, N.Y.
- G) Messages may only be sent and inquiries may only be made on the authority of a member of an agency assigned an agency identifier (ORI).
- H) Inquiries to E-Justice may only be made for criminal justice purposes.
- I) No printed material obtained via E-Justice may be delivered to persons or agencies outside criminal justice except as directed by an appropriate court or other proper legal authority.
- J) All teletype messages will be sent under the authorization of the officer requesting the message to be sent or who took the report generating the message.

Responsibilities:

- A) Users shall:
 - 1) Comply with this General Order and all standards and rules set forth by the New York State Police pertaining to E-Justice.
 - 2) Report any E-Justice misuse that he/she becomes aware of to the Shift Supervisor or to the TAC.
 - 3) All users are to memorize their credentials to access E-Justice. The credentials to access E-Justice shall not be revealed to anyone.
 - 4) All messages requiring immediate attention will be acted upon as soon as possible, including but not limited to hit confirmations, cancellations and locates.
 - 5) Printouts will only be given to sworn police officers. Requests for E-Justice data from a non-police officer are to be forwarded to the Shift Supervisor.
 - 6) It is recognized that in the normal course of official duty it may become necessary to lawfully disseminate information (other than Criminal History Record Information - CHRI) received from e-Justice to persons or agencies not associated with the administration of criminal justice, including private citizens. In all instances, such dissemination must be secondary dissemination from an official agency report or record, including blotter entries
 - (a) Some examples of authorized secondary dissemination include, but are not limited to:

- i) Release of registrant information obtained from E-Justice to a towing company when a vehicle was impounded at police request.
 - ii) Release of user or registrant information obtained via E-Justice from an MV-104A, police accident report.
- 7) No E-Justice checks are to be given out over the telephone to any non-police personnel with the exception of local justice courts. If information is needed for a complaint, an officer is to be dispatched.
- (a) The officer shall make a police report noting the request and data provided if any. This requirement applies to requests from governmental officials as well.
 - i) No report is required if the inquiry is by a tow service seeking DMV information about a police tow/impound they performed for this Department.
- 8) Users receiving requests from other police agencies for data will follow the guidelines set forth by E-Justice.
- 9) E-Justice printouts will not be placed into the regular trash system when they are being discarded. All printouts that are not pertinent or no longer needed shall be shredded.
- (a) Upon receipt of the printout the requesting officer is responsible for this requirement.

B) Sergeant's Shall:

- 1) Ensure compliance with this General Order by all members in his/her direct control.
- 2) Correct all E-Justice misuse that he/she becomes aware of.
- 3) Correct E-Justice misuse by members of the Department that comes to his/her attention.
- 4) Bring inappropriate E-Justice communications by Department personnel to the attention of the Chief of Police.

Access to File 15's (Criminal History Record Information):

- A) Any officer requesting a criminal history record must be able to show good cause for the inquiry.

- B) All E-Justice users are to occasionally review and be familiar with E-Justice rules and regulations concerning access of CHRI.
- C) CHRI may only be run on a subject under arrest or who is the subject of an active police investigation.
 - 1) When the subject is under arrest, the E-Justice user shall ensure that an arrest number has been issued and that the arrest number is entered into the corresponding space on the screen.
 - 2) When the CHRI is run for the court, the court's ORI number shall be used for the request.
 - 3) When the subject is under investigation, the E-Justice user shall ensure that a police report number has been issued and that the report number is entered into the corresponding space on the screen.
- D) Whenever a CHRI is run, a short description is to be entered in the comment field. Example- "Arrested for DWI" or "Homicide Investigation". "None" or "Arrested" are not acceptable entries.
- E) When a CHRI is received by a user they are to forward it to the requesting officer ASAP.
- F) A CHRI may be sent in response to a criminal fingerprint submission to DCJS. This will be noted on the first page of the File 15 and the last arrest on the file will be from the Village of Walden Police Department.
 - 1) These file 15's are to be put into the case folder for delivery to the presiding court (CPL160.40)

Motor Vehicle Data (DMV) and Wanted Person Checks (WINQ):

- A) Officers may utilize the MDT in the patrol vehicle to get DMV and wanted person data whenever possible. However, Officers shall utilize the on-duty dispatcher for such when practical.
- B) E-Justice users will check all plates and persons requested by members.
 - 1) The officer's name or officer's shield number shall be entered into the "For" on the request.
- C) Officers are required to retrieve the printouts prior to going off duty and file in appropriate place.

DMV Photo Requests:

- A) Inquiries to E-Justice DMV Photos may only be made for criminal justice purposes.
- B) A Supervisor must approve all DMV Photo requests done by this department.
- C) All received photos must be put into the appropriate case file for the case in which request was for.
- D) A case number must be entered onto the request form.
- E) No printed or electronic photos obtained via E-Justice DMV Photos may be delivered to persons or agencies outside criminal justice except as directed by an appropriate court or other proper legal authority.

Sanctions for Unauthorized Access or Use of CHRI:

- A) Any violation or misuse of this policy will result in disciplinary action up to and including termination.



Jeffrey Holmes,
Chief of Police