

**WINONA POLICE DEPARTMENT**

**NUMBER: 103-17 PAGES: 5**

**EFFECTIVE DATE: July 26, 2010**

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**SUBJECT: Comprehensive Incident Based Reporting System (CIBRS)**

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**1.0 PURPOSE:**

The purpose of the CIBRS policy is to comply with MSS 299C.40 as well as rules and policies prescribed by the Minnesota Department of Public Safety, Bureau of Criminal Apprehensions, regarding the access and the use of the CIBRS database system.

**2.0 DEFINITIONS:**

2.1 **Audit:** A process conducted by the staff of the Minnesota Department of Public Safety, Bureau of Criminal Apprehension whereby the Agency is assessed on their compliance with the rules specified in the user agreement.

2.2 **CIBRS:** The Comprehensive Incident Based Reporting System, a statewide repository of incident based data from Minnesota law enforcement agencies. This electronic data sharing program is designed to provide law enforcement access to data submitted by agencies, on a statewide level. The data is recorded by the local agency within their records management system. The data is owned and maintained by the local agency; however data that is public at the local agency will change to private data in CIBRS.

2.3 **CIBRS Training Certification:** Members of the Winona Police Department authorized to access the CIBRS system will meet the training and certification requirements as prescribed in the user agreement and the CIBRS policy of the Minnesota Department of Public Safety.

*Initial Certification:* The BCA training program and successful completion of the examination.

*Recertification:* An examination which must be successfully completed every two years.

2.4 **Confidential Data on Individuals:** As defined in MSS 13.62, Subdivision 3, confidential data on individuals means the data which is made not public by statute or federal applicable to the data and is inaccessible to the individual subject of the data.

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- 2.5 Government Issued Photo ID:** This includes a state issued drivers license or ID card, a certified passport, or military ID card issued by a recognized branch of the United States military.
- 2.6 Non-Public Data:** As defined in MSS 13.02, Subdivision 9, non-public data means data not on individuals that is made by statute or federal law applicable to the data: (a) not accessible to the public and (b) accessible to the subject, if any, of the data.
- 2.7 Private Data on Individuals:** As defined in MSS 13.02, Subdivision 12, private data on individuals means data which is made by statute or federal law applicable to the data: (not public; and (b) accessible to the individual subject of the data.
- 2.8 Protected Non-Public Data:** As defined in MSS 13.02, Subdivision 13, protected non-public data means data not on individuals which is made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.
- 2.9 Responsible Agency:** An agency that is responsible for the completeness and accuracy of a data record within the CIBRS system.
- 2.10 Submitting Agency:** The entity responsible for ensuring the successful submission of a law enforcement agency's records to the CIBRS database.
- 2.11 User Agreement:** A document entered into by the Minnesota Department of Public Safety and the Winona Police Department which lists the requirements and responsibilities to be met by both entities.

**3.0 ACCESS TO CIBRS BY DEPARTMENT MEMBERS**

- 3.1** Only Department members who have completed the required training and certification and are current on their certification will be allowed to access the CIBRS system. Certification will be verified by the agency administrator for the CIBRS system.
- 3.2** Department members who have met the certification requirements will be allowed to access the CIBRS database solely for the purposes listed below:

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- 3.2.1 For the preparation of a case involving a criminal investigation being conducted by this agency.
- 3.2.2 For the purpose of conducting a pre-employment background check on a candidate for a sworn officer position.
- 3.2.3 To access the data at the request of the data subject.

**4.0 ACCESS OF CIBRS DATA BY THE DATA SUBJECT**

- 4.1 Individuals requesting CIBRS data on themselves must specifically ask for data contained within the CIBRS system. The individual will be given a CIBRS Request by Data Subject form to complete. Upon completion of the form the subject will be required to produce a government issued photo ID. The name and date of birth on the government issued photo ID must exactly match the name and date of birth listed on the CIBRS - Request by Data Subject form. The exact name and date of birth will be used to query the CIBRS system. A report, which is automatically outputted to a printer, will be generated using the data subject information provided and the report will be given to the data subject. **\*NOTE\*** No record flagged as confidential within the CIBRS system shall be included in this report.
- 4.2 An individual may also request CIBRS data on themselves be forwarded to a third party. The subject will be given a “CIBRS Request by Data Subject for Informed Consent” form to complete. Upon completion of the form the subject will be required to produce a government issued photo ID. The name and date of birth on the government issued photo ID must exactly match the name and date of birth listed on the CIBRS Request by Data Subject Informed Consent Form. The exact name and date of birth will be used to query the CIBRS system. A report which is automatically outputted to a printer will be generated using the data subject information provided and given to the data subject who must then review and acknowledge the data contained within the report. To verify this, the data subject will be required to initial the CIBRS report. If after reviewing the

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report, the data subject still chooses to have the report forwarded to the third party, the Winona Police Department will assume responsibility for mailing the report to the address provided on the CIBRS Request by Data Subject Informed Consent Form.

- 4.3** A parent or legal guardian may also request data from the CIBRS database on their juvenile child. The steps to ensure the identity of the requesting party listed above will be followed; additionally some type of proof of parenthood should also be obtained (i.e. same address as parent on D.L. or ID, school issued ID, school records, court records, etc.)

**5.0 CLASSIFICATION OF CIBRS DATA**

- 5.1** No data contained within the CIBRS system is classified as public data, classification within the CIBRS system is as follows:

**5.1.1** Confidential/Protected Non-Public: this applies to data which relates to an active case. This data is non-public and is not accessible to the subject of the data.

**5.1.2** Private/Non-Public: This applies to data which relates to an inactive case or one which has not been updated in the CIBRS application for 120 days. This data is not accessible to the public, but is accessible to the data subject.

- 5.2** Only data which is Private/Non-Public will be released to the subject of the data or a third party at the request of the data subject. Data classified as Confidential/Protected Non-Public is related to an active case and will not be released to the subject of the data or a third party at their request. Requests for CIBRS data will be handled by the Chief of Police, CIBRS agency administrator, or the Support Services Supervisor.

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**6.0 CIBRS DATA NO LONGER NEEDED**

**6.1** Data which is no longer required for its intended purpose will be placed in the container to be shredded.

**7.0 DATA VERIFICATION**

**7.1** Data obtained from the CIBRS database for the purposes of a criminal investigation and/or a pre-employment background check will be verified by contacting the responsible agency.

**8.0 CIBRS DATA CHALLENGE**

**8.1** Upon the Winona Police Department's participation in the CIBRS program as a submitting agency, (Winona PD is the responsible agency) an individual may file a data challenge questioning the accuracy and/or completeness of the data. If a data challenge is received the following requirements must be met and actions taken:

**8.1.1** The request must be made in writing by the subject of the data and their identity must be verified through a government issued photo ID. The request must describe the nature of the inaccuracies.

**8.1.2** The challenge will be forwarded to the agency responsible authority (the Chief of Police or his/her designee.). The responsible authority will then ensure that the record(s) in questions is flagged within the CIBRS database as initiated.

**8.1.3** Within 30 days the record challenge will be addressed and a determination will be made by the Chief of Police.

**8.1.3.1** Sustained challenges will be corrected or deleted upon determination. A letter will be sent to the data subject informing them of the results of their challenge to the data.

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The Winona Police Department Responsible Authority will then update the CIBRS database marking the record in question as having a sustained that challenge. CIBRS will then automatically notify the responsible authorities of all agencies that have viewed the record in question within the last year.

**8.1.3.2** If a challenge is not sustained and the data will not be altered, a letter will be sent to the data subject informing them of the results of their challenge. They will be informed that any appeal to this decision must be made to the Minnesota Department of Administration in St. Paul. The responsible authority will then see that the flag previously placed on data is changed to declined.

**8.2** If a data challenge correction is received from another agency in regard to information this agency has obtained from the CIBRS database, the correction will be forwarded to the employee who originally obtained the data. The employee will then destroy the original data or replace it with the updated data.

**9.0 MISUSE OF THE CIBRS SYSTEM**

**9.1** Misuse of the CIBRS System is defined as:

**9.1.1** Deliberate or intentional access for purposes not authorized by MSS 299C.40.

**9.1.2** Repeated misuse whether intentional or unintentional.

**9.1.3** Intentional dissemination or failure to disseminate CIBRS data in accordance with the statute.

**9.2** An employee of this department determined to have misused the CIBRS system will have their privilege to access the CIBRS system immediately revoked. The period of revocation will be determined by the Chief of

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Police. The employee may also be subject to additional discipline per department policy 109.12. The type of discipline and course of action will be determined by the Chief of Police.

- 9.3** Misuse of the CIBRS system may also carry sanctions for the employee or agency from the BCA. These sanctions will be honored and full cooperation will be given to the BCA audit staff. The BCA will conduct audits of the agency to ensure proper use of the CIBRS system. The Winona Police Department will cooperate with the audit staff and provide the requested documents and verification.