



STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY
DIVISION OF STATE POLICE
PROFESSIONAL STANDARDS OF CONDUCT



DIRECTIVE TITLE: CRIMINAL RECORDS USE AND DISSEMINATION

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RESCINDS/AMENDS: SOP #42

CHAPTER 82-A
CRIMINAL RECORDS USE AND DISSEMINATION

82-A.1.0 Discussion:

The purpose of this procedure is to regulate and control, within the Division, the dissemination of Criminal History Record Information. Personnel shall acquaint themselves with these mandatory procedures and require their use as directed.

82-A.1.1 Definition:

- A: "Dissemination" means transmission of criminal record information to any individual or criminal justice agency. Dissemination includes confirmation of the existence or non-existence of any criminal record.

82-A.2.1 Criminal Records Repository:

- A. The Criminal Records Repository of the State Police shall abide by Saf-P 400, Operation of the Central Repository: Criminal Records, as adopted by the Director and by RSA 106-B:14 I.

82-A.1.2 Procedures for Division Members:

- A. Criminal records may be obtained from the Central Repository by any Division member for criminal investigation or sentencing purpose only.
- B. Any redisseminati~~o~~n by a Division member of a criminal record obtained from the Division's Criminal Records Repository, or any other source, may only be to other bonafide criminal justice agencies.
1. In the case of ongoing criminal investigations, Division members shall not disclose criminal records or information concerning arrests except to law enforcement personnel. These agencies include police departments and

prosecutors' offices.

2. When criminal records are used in sentencing hearings before courts, only those portions of the records concerning convictions may be disclosed. Records of arrests not leading to convictions may not be used.

C. Whenever any criminal record is redisseminated by a Division member, the Division member shall maintain a record of:

1. The name of the agency receiving the information;
2. The name of the individual within the agency who requested and received the information;
3. The purpose the agency stated for requesting the information;
4. The date of the dissemination;
5. The name of the person disseminating the information.

The record of dissemination shall be maintained by utilizing the Criminal History Dissemination Log, located at each troop station.

D. Any requests which a Division member receives for criminal records from any non-law enforcement individual or non-criminal justice agency shall be referred to the Commander of the Criminal Records Repository. This shall include individuals seeking their own criminal records.

1. In court cases where a criminal record is an issue and Division members acting as prosecutors receive oral or written motions to produce copies of such records, objections shall be made citing NH RSA 106-B:14 and Department of Safety Rules SAF-P 400 which:
 - a. Prohibit release of a criminal record to a non-criminal justice agency and
 - b. Allows an individual or his agent to obtain a criminal record directly from the Criminal Records Repository.

E. Unauthorized dissemination of any criminal record by a Division member is strictly prohibited.

SOURCES: NH RSA 106-B:14,I Department of Safety Rules SAF-P 400

C.A.L.E.A. STANDARD(S): 82.1.11
