

Agenda Item No: CA-f
Meeting Date: July 25, 2022

Subject: Consent Agenda Item

CA-f Approval of Resolution 22-57, approving a Criminal History Record Information (CHRI) Policy for purposes related to Liquor Licensing.

The City of Dacono is authorized to access Criminal History Record Information to investigate the qualifications of liquor license applicants and liquor licensees under Colorado Revised Statute (C.R.S.) Section 44-3-307. The purpose of this Policy is to address the use, maintenance, dissemination, confidentiality and security of CHRI for this noncriminal justice purpose by the City.

This Policy sets forth the requirements of CBI for access to the Colorado Bureau of Investigation-Criminal Justice Information Services System: Acceptable Use Policy, Media Protection Policy, Physical Protection Policy, Retention Policy, and Incident Response Policy.

RESOLUTION NO. 22-57

A RESOLUTION APPROVING THE CITY OF DACONO CRIMINAL HISTORY RECORD (CHRI) POLICY FOR NONCRIMINAL JUSTICE PURPOSES RELATED TO LIQUOR LICENSING

WHEREAS, The City is authorized to access Criminal History Record Information (CHRI) to investigate the qualification of liquor license applicants and liquor licensees under Colorado Revised Statute 44-3-307; and

WHEREAS, the purpose of this Policy is to address the use, maintenance, dissemination, confidentiality and security of CHRI for noncriminal justice purposes by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. The City Council hereby adopts the Criminal History Record (CHRI) Policy for Noncriminal Justice Purposes related to Liquor Licensing, a copy of which accompanies this Resolution.

INTRODUCED, READ, and ADOPTED this 25th day of July, 2022.

CITY OF DACONO, COLORADO

Adam Morehead, Mayor

ATTEST:

Valerie Taylor, City Clerk



Criminal History Record Information (CHRI) Policy for Noncriminal Justice Purposes Related to Liquor Licensing

Adopted by Resolution 22-58

July 25, 2022

I. Purpose

The City of Dacono (the "City") is authorized to access Criminal History Record Information ("CHRI") to investigate the qualifications of liquor license applicants and liquor licensees under Colorado Revised Statute (C.R.S.) Section 44-3-307. The purpose of this Policy is to address the use, maintenance, dissemination, confidentiality and security of CHRI for this noncriminal justice purpose by the City.

II. Scope

This Policy shall apply to systems, processes, or workflows that involve the request, access, storage, sharing, and/or destruction of CHRI obtained from the CBI-CJIS (Colorado Bureau of Investigation-Criminal Justice Information Services) Systems in response to a fingerprint-based background check for investigating the qualifications of liquor license applicants or liquor licensees ("Liquor Licensing Purposes"). The City accesses CHRI for Liquor Licensing Purposes through the CBI-provided solution referred to as the Secure Document Delivery System ("SDDS").

This Policy sets forth the requirements of CBI for access to the CBI-CJIS Systems: Acceptable Use Policy, Media Protection Policy, Physical Protection Policy, Retention Policy, and Incident Response Policy.

III. Policies

A. Authorized Personnel

1. CHRI for Liquor Licensing Purposes shall be accessed by and provided to authorized personnel only.
2. Authorized personnel shall be reviewed and updated by the Terminal Agency Coordinator ("TAC"), as needed.
3. Authorized personnel shall receive security awareness training within six (6) months of hiring/handling of CHRI and every two years thereafter. Security awareness training will cover areas specified in the CJIS Security Policy at a minimum.
4. Authorized personnel for CHRI for Liquor Licensing Purposes are:
 - i. All Police Department personnel authorized for CHRI for criminal justice purposes are also authorized for CHRI for noncriminal justice purposes.

ii. City Clerk

- (a) The City Clerk shall serve as the TAC, the SDDS Administrator, Local Agency Security Officer (“LASO”) and the Billing Contact, if applicable, for CHRI for Liquor Licensing Purposes.

B. Acceptable Use

1. This Policy supplements the City of Dacono IT User Guide, as the same may be amended from time to time. In the event of conflict or ambiguity, the City Clerk will determine the appropriate application of the policies for Liquor Licensing Purposes.
2. Applicants are referred to the Colorado Applicant Background Services (CABS) program site for submission of background check fingerprints.
3. As part of the fingerprint process, the City must provide applicants with a Privacy Statement outlining the City’s authority for collecting the applicant’s information, that the applicant’s fingerprints will be used to check the national criminal history records of the FBI, and how the information will be used, retained, and shared. The City must obtain a signed acknowledgement from each applicant documenting the applicant’s receipt of the foregoing documents (the “Applicant’s Acknowledgement”).
4. CHRI may only be used for Liquor Licensing Purposes as set forth in C.R.S. Section 44-3-307.
5. CHRI may not be disseminated to non-City organizations or agencies (such as the state liquor licensing authority) for Liquor Licensing Purposes without an Information Exchange Agreement.
6. CHRI may not be forwarded to other organizations/agencies for use in separate, unrelated applications.
7. If an applicant’s fingerprint background check reveals a CHRI record, authorized personnel will promptly notify the applicant in writing to the applicant’s mailing address or email address provided in the liquor license application that a record exists (“Notice”). The applicant may be given a copy of his or her CHRI only after the identity of the applicant has been verified. The applicant will be given thirty (30) days from the date of the Notice to obtain a change, correction, or update of his or her CHRI or to decline to do so. The applicant’s liquor license application may not be denied based on the CHRI until the expiration of said 30-day period.
8. Existence of CHRI shall not be confirmed or denied to anyone and CHRI shall not be made available except in accordance with applicable law, including applicable provisions of the Colorado Criminal Justice Records Act (“CCJRA”) and the Colorado Open Records Act (“CORA”).

C. Media and Physical Protection

1. Authorized personnel with access to the SDDS shall have unique credentials.
2. SDDS results shall be reviewed at least weekly when Liquor License Application has been received until the CHRI records have been received.
3. CHRI received from the SDDS erroneously shall not be opened. Authorized personnel shall immediately contact CBI to report any erroneously delivered CHRI.
4. CHRI shall only be accessed on City-owned computers secured from the public.
5. The City Clerk shall be primarily responsible for obtaining CHRI for Liquor Licensing Purposes from the SDDS. However, in the City Clerk's absence, other authorized personnel with the appropriate level of security awareness training may obtain CHRI for Liquor Licensing Purposes from the SDDS.
6. Upon receipt of an email from the SDDS website indicating that a CHRI record is available, authorized personnel shall: (i) download CHRI from the SDDS to his or her desktop; (ii) upon downloading, immediately print CHRI to a printer secured from the public and not in use by other personnel at the time of printing; and (iii) immediately after printing, permanently delete the CHRI from the desktop and recycle bin. The printed CHRI shall be placed in a sealed envelope marked "Confidential" and shall be reviewed by authorized personnel within the City. The authorized personnel within the City shall review the CHRI and utilize its findings as part of the subject liquor license application process. The City Clerk shall not make any copies of the CHRI but shall return the CHRI to the sealed envelope marked "Confidential."
7. CHRI shall not be stored electronically. CHRI shall be kept in physical (printed) form only. The printed CHRI shall be stored in a locked cabinet with access limited to authorized personnel only.
8. CHRI shall be viewed only by authorized personnel. CHRI shall not be left on computer screens, on printers, or on desks where unauthorized personnel or other persons might view it.
9. Computers that have been used to download and print CHRI shall not be released from the City's control until the equipment has been sanitized and all stored information has been cleared.
10. The following activities are prohibited:
 - i. Unauthorized access, copying, or dissemination of CHRI from SDDS.
 - ii. Revealing of SDDS account passwords by authorized personnel to others.
 - iii. Allowing an unauthorized person to use an authorized person's SDDS account.

- iv. Disclosure of data in a way that violates applicable policy, procedures, or relevant regulations or law, including C.R.S. 44-3-307, CCJRA, and CORA.

D. Retention

1. CHRI and the Applicant's Acknowledgement shall be retained and destroyed in accordance with the Colorado Municipal Records Retention Manual.

E. Incident Response

1. Incidents involving misuse or allegations of misuse of CHRI shall be immediately communicated to the CBI.
2. Authorized personnel must report any media or physical security incidents to the TAC and LASO.
3. Any violation of a policy set forth herein may result in network removal, access revocation, corrective or disciplinary action, civil or criminal prosecution, and termination of employment.