CRIMINAL HISTORY RECORDS INFORMATION (CHRI) 
USER AGREEMENT 
BETWEEN 
THE DEPARTMENT OF PUBLIC SAFETY 
AND CORRECTIONAL SERVICES 
OF THE STATE OF MARYLAND 

AND 

Anne Arundel County, Maryland, on behalf of the 
Anne Arundel County Police Department 

A CRIMINAL JUSTICE UNIT (CJU) 
entered into among the signatories on: 
August 10, 2010

1. STATEMENT OF PURPOSE 

a. CJIS 
The Criminal Justice Information System (CJIS) of the state of Maryland is 
established in the Criminal Procedure Article (CPA), §§ 10-201—10-234, 
Annotated Code of Maryland (ACM). The purpose of CJIS is to maintain 
Criminal History Record Information (CHRI) consistent with applicable federal 
law and regulations, the need of state Criminal Justice Agencies (CJUs) for 
accurate and current CHRI, and the right of individuals to be free from 
improper and unwarranted intrusions into their privacy.

b. CJIS Central Repository 
The Secretary of the Department of Public Safety and Correctional Services 
(DPSCS) operates and maintains the CJIS Central Repository through the 
Information Technology and Communications Division. The CJIS Central 
Repository is the designated state agency to receive, disseminate, and 
ensure the accuracy, completeness, and security of CHRI maintained among 
those agencies and individuals authorized by law to participate in CJIS.

c. CJU User Agreement 
The signatories to this Agreement include: 

• The CJU, which is authorized under the provisions of CPA §§10-201(f), 
  ACM, to participate in CJIS;
• The county or municipality of which the CJU is a department or agency; and
• The DPSCS.

The purpose of this Agreement is:

• To provide for the reporting of accurate, relevant, and current CHRI by the CJU to the CJIS Central Repository;
• To ensure that such CHRI is maintained by the CJIS Central Repository and the CJU on an accurate and current basis; and
• To prohibit and protect against the improper and unlawful dissemination of such CHRI.

2. INCORPORATION OF CERTAIN LAWS AND REGULATIONS BY REFERENCE

a. The terms and provisions of the following laws and regulations relating to the collection, use, dissemination, and control of CHRI are incorporated herein by reference:

• Code of Maryland Regulations (COMAR), Title 12.15.01.01 – 12.15.01.16; and

b. The terms of this Agreement set forth below are to be construed in a manner consistent with such laws and regulations and as they may be amended from time to time. In the event of any conflict between the terms of this Agreement and such laws and regulations, the provisions of such laws and regulations shall govern the respective rights and duties of the parties.

3. DEFINITIONS

The following words used in this Agreement are defined in Appendix 1:

• COLLECTION
• CRIMINAL HISTORY RECORD INFORMATION (CHRI)
• CRIMINAL JUSTICE UNIT (CJU)
• CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)
• CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) CENTRAL REPOSITORY
• CRIMINAL JUSTICE PURPOSE
• DISSEMINATE
• EXPUNGEMENT
• ORI
• REPORTABLE EVENT
• REPORTING

4. SERVICES PROVIDED BY THE CJIS CENTRAL REPOSITORY

Upon receipt of an inquiry from the CJU which contains all the requirements of the CJIS Central Repository for proper response, the CJIS Central Repository will promptly search its files and provide the CJU as soon as practicable with such CHRI contained in its files as is relevant to the inquiry.

5. METHOD OF REPORTING CHRI BY THE CJU TO CJIS CENTRAL REPOSITORY

The CJU shall report to the CJIS Central Repository all CHRI pertaining to reportable events in such a manner so as to permit other CJUs to locate the subject of the CHRI at any stage in the criminal justice system. Each transmission of such information shall include:

   a. The date of occurrence of the reportable event;
   b. The CJU’s identification number (i.e., its ORI);
   c. Data by which the CJU identifies the subject within its own records; and
   d. Such identification numbers known to the CJU (tracking numbers and court case numbers), which facilitate tracking of the subject within CJIS.

6. TIME LIMITS FOR CJU TO REPORT REQUIRED INFORMATION

   a. CJU reporting CHRI (reportable events) to the CJIS Central Repository:

      • Within 72 hours: data including fingerprint cards pertaining to an arrest or the issuance of an arrest warrant by the CJU, after the arrest is made or the warrant is issued;

      • Within 30 days: data pertaining to the release of a subject after arrest without the filing of a charge by the CJU against the subject, after the person is released;

      • Within 60 days: data relating to any other reportable event, after the occurrence of the event.

   b. Other events requiring the CJU to report to the CJIS Central Repository within 30 days after the occurrence:

      • Change of the CJU’s address;
• Change in the employment status of the CJU’s chief administrative officer, its security officer having primary responsibility for the overall security of the CHRI and facilities, or its criminal records chiefs.

• Change of any telephone number used for non-emergency communications between the CJU and the CJIS Central Repository.

7. CONDITIONS AND LIMITATIONS RELATING TO THE DISSEMINATION OF CHRI BY THE CJU

a. The CJU will disseminate CHRI only for criminal justice purposes.

b. The CJU will not use CHRI for any purpose other than that for which it was disseminated from the CJIS Central Repository or redistribute CHRI to any non-CJU, individual, or organization which may otherwise be qualified to receive such CHRI from the CJIS Central Repository.

c. In no event shall the CJU confirm or deny the existence or non-existence of CHRI to any agency, individual, or organization which is not qualified to receive such information in its own right.

d. Prior to any dissemination of CHRI, the CJU will first inquire of the CJIS Central Repository as to the accuracy and currency of the CHRI proposed to be disseminated unless time is of the essence and the CJIS Central Repository is technically incapable of responding to such inquiry within the time by which dissemination must be made.

8. SECURITY

The parties acknowledge that CHRI and the facilities used for the collecting, reporting, and dissemination of CHRI must be maintained in a secure environment so as to ensure against unauthorized access, dissemination, alteration or destruction. The CJU shall adopt the following minimum security standards:

a. CJU Terminal Users

In the event that the CJU has the use and control of a terminal for the purpose of reporting or receiving CHRI, the CJU shall implement procedures designed to:

• Ensure that access to terminals is permitted only to its own authorized CJU personnel who need access in order to exercise their criminal justice responsibilities;

• Ensure that access to terminals (where requested for the purpose of obtaining CHRI) by other CJUs which do not have a terminal is permitted only to such CJUs whose right to access such terminals has been previously authorized by the CJIS Central Repository;

• Ensure that access to terminals is prohibited to non-CJUs;
• Ensure that passwords are known only by the employees of the CJU to whom they are assigned and by supervisory personnel having a need to know such passwords; and

• Ensure that the CJIS Central Repository is notified in the event of termination of employment of any person assigned a password, or the transfer of such person to another position within the CJU in which position access is not required by such person in order to exercise his or her responsibilities.

b. All CJU Users

The CJU shall designate an employee (i.e., the security officer) who shall have primary responsibility for the security of the CHRI and the facilities by which CHRI is reported, maintained, and disseminated. Such responsibilities shall include:

• Implementation of necessary procedures to prevent unauthorized reporting, dissemination, modification, or destruction of CHRI;

• Maintenance of logs and records necessary for the CJIS Central Repository to conduct an audit and inspection of the CJU’s facilities for the purpose of determining the CJU’s compliance with the requirements of this Agreement; and

• Instruction of each employee of the CJU authorized to have access to CHRI as to the security provisions of this Agreement and the conditions contained herein regarding the reporting, use, and dissemination of CHRI.

9. RECORDS KEEPING AND AUDIT

a. The CJU will maintain adequate records of all transactions and events relating to the collection, reporting, and dissemination of CHRI. In particular, the CJU shall maintain a log which records all activities relating to the dissemination of CHRI. Such log shall be kept for at least three years, and shall contain the following information:

• Date of inquiry;

• Name of person making inquiry;

• Name of agency (if any) represented by such person, the agency address and telephone number;

• Name of the CJU personnel who provided the information; and

• The manner by which information was furnished.

b. The CJIS Central Repository shall have the right, on request and with reasonable notice, to inspect the facilities and to audit the records of the CJU
for the purpose of determining whether the CJU is in compliance with the provisions of this Agreement and the applicable laws and regulations.

c. The results and findings of such inspections and audits shall be disclosed to the CJU by the CJIS Central Repository. The results and findings may also be disclosed by the CJIS Central Repository to other Maryland CJUs in order to provide such CJUs with a basis for evaluating the relative quality of their operations. However, such results and findings will be in such form so as not to be identifiable to any individual CJU.

10. PROCEDURE FOR PROCESSING AN INDIVIDUAL'S RIGHT TO INSPECT CHRI

Pursuant to CPA §§ 10-222 AND 10-226, ACM, the CJU shall permit any individual (or the individual's attorney upon presentation of written authorization) to inspect CHRI maintained by the CJU concerning such individual provided that such individual satisfactorily identifies himself or herself to the CJU.

a. The CJU need not provide such information if the information or any part of it is relevant to a pending criminal investigation.

b. This provision does not affect any right of inspection or discovery permitted under the court rules by any court of this state.

11. PROCEDURE FOR PROCESSING AN INDIVIDUAL'S RIGHT TO CHALLENGE CHRI

a. If an individual files a challenge with the CJIS Central Repository regarding the completeness, accuracy, contents, or dissemination of CHRI pursuant to CPA §§ 10-223 – 10-225 AND §10-227, ACM, the CJU shall respond as follows:

   • If the CJU was the source of such information and upon request by the CJIS Central Repository, the CJU shall provide verification of the challenged information to the CJIS Central Repository.

   • If the CJIS Central Repository provides notice to the CJU that the challenge is valid, the CJU shall take the necessary corrective action to conform its information to the CJIS Central Repository’s determination and certify such conformance to the CJIS Central Repository; and

   • If the CJU has disseminated such information to third parties, the CJU shall give written notice to each such party of the corrections to be made to such information and obtain certification by each such party that its records have been corrected.

b. If an individual files such a challenge with the CJU relating to CHRI in the custody or control of the CJU, which has not been reported to CJIS Central Repository, the CJU will:

   • Process such challenge in accordance with its own procedures;
• Determine whether the challenge is valid and, if so, take the necessary corrective actions; and

• If requested by the individual, notify all parties to whom such information has been disseminated of the corrections to be made to such information.

12. EXPUNGEMENT PROCEDURES

a. In the event that the CJU makes a determination to expunge a record of arrest and release without charge pursuant CPA, §10-103, ACM, the CJU will:

• Notify the CJIS Central Repository if it had previously reported such arrest to the CJIS Central Repository; and

• Notify all other parties to whom it had previously disseminated notification of such arrest and request certification that such third parties have expunged such information from their records.

b. Upon notification from the CJIS Central Repository that a court has ordered the expungement of specified CHRI pursuant to CPA, §§ 10-104 – 10-106, ACM, the CJU will expunge the affected CHRI from its records and will certify to the CJIS Central Repository the fact that such information has been expunged.

13. DATA SERVICES CHARGES

a. The Information Technology and Communications Division of the DPSCS shall provide data services pursuant to the terms of this Agreement from the CJIS Central Repository to the CJU at a monthly rate.

b. Data services charges will:

• Be invoiced monthly, due and payable upon receipt;

• Reflect the CJU’s proportionate share of the network’s operating costs, based upon the CJU’s frequency and type of use of network data services; and

• Be subject to periodic rate adjustments to reflect the cost of the services.

14. SANCTIONS

a. Suspension of Services.

The CJIS Central Repository may suspend furnishing the services described in this Agreement to the CJU whenever the CJIS Central Repository has reasonably determined, and so notified the CJU, that any terms of this Agreement or related rule, procedure, or policy are violated or reasonably appear to be violated.
• Suspension of such services will not relieve the CJU from its obligations under this Agreement.

• Violation of the provisions of 28 CFR §§ 20.1 — 20.25 by the CJU may result in a fine not to exceed $11,000.

b. Resumption of Services.

CJIS Central Repository may resume furnishing the services described in this Agreement upon receipt of satisfactory assurances that such violations did not occur or that such violations have been fully corrected or eliminated.

15. TERMINATION

This Agreement may be terminated upon 30 days written notice by either party to the other party.
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
INFORMATION TECHNOLOGY & COMMUNICATIONS DIVISION

BY: (SIGNATURE) ____________________

NAME: (PLEASE PRINT) ____________________ RONALD C. BROTHERS

TITLE: ____________________ CHIEF INFORMATION OFFICER

DATE: __/__/20__

CRIMINAL JUSTICE UNIT

ANNE ARUNDEL COUNTY, MARYLAND, on behalf of the ANNE ARUNDEL COUNTY POLICE DEPARTMENT

BY: (SIGNATURE) ____________________

NAME: (PLEASE PRINT) ____________________ DENNIS CALLAHAN

TITLE: ____________________ CHIEF ADMINISTRATIVE

DATE: __/__/20__
CERTIFICATE OF AUTHORITY

I, DENNIS CALLAHAN, holding the office or title of CHIEF ADMINISTRATIVE in the County/Municipality of ANNE ARUNDEL COUNTY

Maryland, do hereby certify that I am authorized and empowered by statute, charter, ordinance, executive order, regulation, or otherwise as provided for in:

Anne Arundel County Code, Section 504 Executive Order Number Twelve to execute this Agreement on behalf of such County or Municipality.

Approved as to form and legal sufficiency

this 41st day of August 2010

BY: Assistant Attorney General (SIGNATURE):

[Signature]

Name (PLEASE PRINT): STUART M. NATHAN

For AGENCY:

this 9th day of [Signature] 2010

Agency Office of Law, Anne Arundel County Legal Counsel (Signature)

Julie T. Sweeney, Senior Assistant County Attorney Agency Legal Counsel (Print or Type)
APPENDIX 1 - DEFINITIONS

(Words in italics are defined herein.)

COLLECTION means the receipt, organization, and processing of CHRI by a CJU, a criminal justice repository, or the CJIS Central Repository.

CHRI refers to Criminal History Records Information.

CJU refers to Criminal Justice Unit.

CJIS refers to Criminal Justice Information System.

CRIMINAL HISTORY RECORDS INFORMATION (CHRI) means data initiated or collected by a CJU on a person pertaining to a reportable event and includes data from an agency that is required to report to the CJIS Central Repository under Title 12 of the Health-General Article. The term does not include:

- Data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes;
- Data pertaining to a proceeding under Subtitle 8 of Title 3 of the Courts Article (Juvenile Causes), but it does include:
  - Data pertaining to a person following waiver of jurisdiction by a juvenile court; and
  - Information described under CPA, §§ 10-215(b) (21) and (22); and § 10-216;
- Wanted posters, police blotter entries, court records of public judicial proceedings, or published court opinions;
- Data pertaining to violations of the traffic laws of the state or any other traffic law, ordinance, or regulation, or violations of any local ordinances, or any State or local regulations or violations of the Natural Resources Article or public local laws;
- Data concerning the point system established by the Motor Vehicle Administration in accordance with the provisions of Title 16 of the Transportation Article; or
- Pre-sentence investigation and other reports prepared by a probation department for use by a court in the exercise of criminal jurisdiction or by the Governor in the exercise of his power of pardon, reprieve, commutation, or nolle prosequi.

CRIMINAL JUSTICE UNIT (CJU) means any government agency or sub-unit of an agency which:

- Is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, custodial treatment or confinement under Title 12 of the Health-General Article, rehabilitation, or release of persons
suspected, charged, or convicted of a crime or relieved of criminal punishment by a verdict of not criminally responsible; or

- Is responsible for criminal identification activities and the collection, storage, and dissemination of CHRI; and

- Allocates a substantial portion of its annual budget to any of these functions.

The term does not include the Department of Juvenile Justice or a juvenile court, except as provided under CPA, §§ 10-215(b) (21) and (22); and § 10-216, but it does include the following agencies, when exercising jurisdiction over criminal matters or alternative dispositions of criminal matters, or CHRI:

- State, county, and municipal police departments and agencies, sheriffs' offices, correctional facilities, parole and probation departments, jails and detention centers;

- Any agency required to report to the CJIS Central Repository under §§ 12-107 or 12-112 of the Health - General Article;

- The offices of the Attorney General, the State's Attorneys, and any other person authorized by law to prosecute persons accused of criminal offenses; or

- The Administrative Office of the Courts, the Court of Appeals, the Court of Special Appeals, the circuit courts, the District Court of Maryland, and the offices of the clerks of these courts.

CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) means the equipment (including computer hardware and software), facilities, procedures, agreements, and personnel used in the collection, processing, preservation, and dissemination of CHRI.

CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY (CJIS Central Repository) means the Criminal Justice Information System Central Repository created by CPA, § 10-202.

CRIMINAL JUSTICE PURPOSE means any use of CHRI by a CJU in the performance of its functions as a CJU, or for the purpose of hiring or retaining its own employees and agents.

DISSEMINATE means to transmit CHRI in any oral or written form. The term does not include:

- The transmittal of this information within a CJU;

- The reporting of this information to the CJIS Central Repository as required by CPA, § 10-202; or

- The transmittal of this information between CJUs in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense;
• Disclosure of this information during the preparation for or during the conduct of a public judicial proceeding by the State’s Attorney, Attorney General, any law enforcement officer, or any other person authorized by law to conduct criminal investigation or to prosecute persons accused of criminal offenses.

EXPUNGEMENT, with respect to CHRI, means the effective removal of such information from public inspection:

• By obliteration;

• By removal to a separate secure area to which the public and other persons having no legitimate reason for being there are denied access; or

• If effective access to CHRI can be obtained only by reference to other records, by the expungement of the other records, or the part of them providing the access.

ORI means an agency’s identification number assigned by the Control Terminal Officer of the Department of State Police.

REPORTABLE EVENT means the following events specified or provided for in CPA, § 10-215:

• Issuance or withdrawal of an arrest warrant;

• An arrest;

• Release of a person after arrest without the filing of a charge;

• The filing of a charging document;

• A release pending trial or an appeal;

• Commitment to an institution of pretrial detention;

• Dismissal of an indictment or criminal information;

• A nolle prosequi;

• Marking of a charge “stet” on the docket;

• An acquittal, conviction, verdict of not criminally responsible, or any other disposition of a case at or following trial, including a finding of probation before judgment;

• Imposition of a sentence;

• Commitment to a State correctional facility or local correctional facility;

• Commitment to the Department of Health and Mental Hygiene under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally responsible;
• Release from detention or confinement;
• Conditional release, revocation of conditional release, or discharge of a person committed to the Department of Health and Mental Hygiene under §3-111 of this article as incompetent to stand trial or not criminally responsible;
• An escape from confinement, or commitment;
• A pardon, reprieve, commutation of a sentence, or other change in a sentence, including a change in a sentence that a court orders;
• Entry of an appeal to an appellate court;
• Judgment of an appellate court;
• Order of a court in a collateral proceeding that affects a person's conviction, sentence, or confinement;
• An adjudication of a child as delinquent:
  ▪ If the child is at least 14 years old, for an act described in § 3-804 (e)(1) of the Courts Article; or
  ▪ If the child is at least 16 years old, for an act described in § 3-804 (e)(4) or (5) of the Courts Article;
• Issuance or withdrawal of a writ of attachment by a juvenile court (effective October 1, 1998); and
• Any other event arising out of or occurring during the course of a criminal proceeding that the Secretary by regulation or the Court of Appeals by rule makes a reportable event.

REPORTING means the transmittal of CHRI by CJUs or repositories to the CJIS Central Repository.
DPSCS Network Connection Terms and Conditions for Third Party Networks

Access between a third party network and the Maryland Department of Public Safety and Correctional Services (DPSCS) network will be granted for lawful purposes only, limited to the scope of the service that is being provided to DPSCS.

Individuals from third party networks shall not transmit, retransmit, or store material or data that is the property of DPSCS.

Specifically prohibited acts by employees of third party networks include:

1. Unauthorized access to or use of a computer, data or software.
2. Unauthorized copying or disclosure of data or software.
3. Obtaining unauthorized confidential information.
4. Unauthorized modification or altering of data or software.
5. Unauthorized introduction of false information (public records).
6. Unauthorized disruption or interruption of the operation of a computer.
7. Unauthorized disruption of government operations or public services.
8. Unauthorized denial of services to authorized users.
9. Unauthorized taking or destroying data or software.
10. Unauthorized creating/altering a financial instrument or fund transfer.
11. Unauthorized misusing or disclosing passwords.
12. Unauthorized breaching a computer security system.
13. Unauthorized damaging, altering, taking or destroying computer equipment or supplies.
14. Unauthorized devising or executing a scheme to defraud.
15. Unauthorized obtaining or controlling money, property, or services by false pretenses.
16. Unauthorized disclosing of any information regarding the DPSCS network such as IP addressing, design, etc.

Any hardware or software operated by a third party network that DPSCS determines may cause hazard, interference, or service interruption to DPSCS equipment, computers, or the DPSCS network must be immediately removed upon notification.
by DPSCS. Written notification can be provided after the equipment has been removed from the DPSCS network explaining why this action was taken. This equipment will only be reconnected after corrective action is taken and DPSCS has determined that the threat has been minimized or eliminated.

All authorized users during the term of their access and thereafter, shall hold in strictest confidence and not willfully disclose to any person, firm or corporation without the express authorization of the DPSCS Chief Information Officer, any information related to security, operations, techniques, procedures or any other security matters. Any breach of security will be promptly reported to the DPSCS Chief Information Security Officer, designee or security officer.
Approved as to form and legal sufficiency: **July 15, 2009.**

I acknowledge that I have read, understand and agree to comply with the above terms and conditions.

**AGENCY:**

Dennis Callahan  
Anne Arundel County Chief Administrative Officer  
on behalf of the  
Anne Arundel County Police Department

**DPSCS:**

Ronald C. Brothers  
Chief Information Officer  
Maryland Department of Public Safety and  
Correctional Services

**AGENCY:**

Julie T. Sweeney  
Senior Assistant County Attorney  
Office of Law, Anne Arundel County  
Legal Counsel
DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES
INFORMATION TECHNOLOGY & COMMUNICATION SERVICES
INFORMATION SECURITY OFFICE
P.O. BOX 5743
PIKESVILLE, MD 21282

AGENCY SECURITY CONTACT AUTHORIZATION FORM

DATE: September 21, 2010

AGENCY: Anne Arundel County Police Department

AGENCY ORI #: MD0020200

SECURITY CONTACT INFORMATION:

PRIMARY CONTACT: Cpl. Brian D. Hassett #802 (New)
Phone Number: 410-222-3021
Work Email: Hassett@aacounty.org

PRIMARY CONTACT: (Previous)

ALTERNATE CONTACT: Connie Baker (New)
Phone Number: 410-222-8630
Work Email: P99609@aacounty.org

ALTERNATE CONTACT: (Previous)

MAIL ADDRESS: 8495 Veterans Hwy
Millersville, MD 21108

AUTHORIZED BY: [Signature]
(SIGNATURE OF CHIEF OR AGENCY DIRECTOR)

Form: 8.15.2
Revised: 8/05
AGENCY CONTACT BILLING INFORMATION FORM

AGENCY CONTACT INFORMATION

1) Agency Name/Department: Anne Arundel County Police Department

2) Terminal ID (if known): Unknown

3) P.O. Box: N/A

4) Street: 8495 Veterans Hwy

5) City: Millersville  State: MD  Zip: 21108

6) Agency Contact Person: Cpl. Brian D. Hassett #802

7) Contact Phone No.: 410-222-3021

8) Contact Person Email: Hassett@aacounty.org

BILLING CONTACT INFORMATION

9) Date: September 21, 2010  10) Customer No. (if known)  000042

11) Billing Contact Person: Carol Slomski

12) Billing Contact Phone No: 410-222-8665

13) Billing Contact Person Email: P99312@aacounty.org

14) BILL TO: Agency Name/Department: Anne Arundel County Police Department

15) P.O. Box or Street: 8495 Veterans Hwy

16) City/State/Zip: Millersville, MD 21108

17) Authorized Name (Print or type): Carol A. Slomski

18) Authorized Signature: Carol A. Slomski

RATES – Recurring Monthly Charges: User Fee $7.00 / per Logon ID