

CHAPTER 8
CRIMINAL JUSTICE INFORMATION
[Prior to 4/20/88, see Public Safety Department[680] Ch 8]

661—8.1 to 8.100 Reserved.

DIVISION I
IOWA ON-LINE WARRANTS AND ARTICLES SYSTEM
[Prior to 8/16/95, see 661—8.1 to 8.101]

661—8.101(80,692) Iowa on-line warrants and articles (IOWA) criminal justice information system. The Iowa on-line warrants and articles (IOWA) criminal justice information system is administered by the division of administrative services, field services bureau. The IOWA system, created pursuant to Iowa Code paragraph 80.9(2)“d” and Iowa Code section 692.14, provides criminal justice agency access to traffic record and criminal justice databases through a dedicated telecommunications network. To be eligible for access to the IOWA system, an agency must be a criminal justice agency at the federal, state, or local level within Iowa, or an agency providing services to criminal justice agencies in Iowa.

661—8.102(80,692) Information available through the IOWA system. The IOWA system provides access to databases from various state agencies within Iowa, from the Federal Bureau of Investigation’s National Crime Information Center (NCIC), and from the motor vehicle departments of other states nationally through the National Law Enforcement Telecommunications System (NLETS). Information on an international basis is also provided by NCIC and NLETS through interfaces to Canadian Police Information Centre and to INTERPOL. The NLETS system also provides administrative message traffic between Iowa criminal justice agencies and criminal justice agencies throughout the United States.

The IOWA system allows criminal justice agencies to:

1. Access nationwide computerized banks of information such as wanted, missing, and unidentified persons; stolen vehicles; stolen articles; stolen boats; stolen guns and stolen securities.
2. Access driver license and motor vehicle information in-state as well as out-of-state.
3. Exchange criminal history information on a national basis.
4. Communicate by use of administrative messages with other criminal justice agencies worldwide.

661—8.103(80) Human immunodeficiency virus-related information. An agency may enter human immunodeficiency virus-related (HIV) information into a wanted or missing person file of the IOWA system and the National Crime Information Center operated by the Federal Bureau of Investigation. HIV information shall be kept confidential and may be communicated only in accordance with this rule.

8.103(1) HIV information on an individual entered into the IOWA system or the National Crime Information Center operated by the Federal Bureau of Investigation shall be made available to terminal operators for the purpose of informing individuals who are authorized access pursuant to this rule.

8.103(2) HIV information may be communicated to:

- a. Employees and supervisors of employees of a law enforcement agency who have, or are expected to have, direct physical control of an individual reported to be HIV positive.
- b. Employees and supervisors of employees subject to the jurisdictional supervision of the Iowa department of corrections who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.
- c. Employees and supervisors of employees of secure facilities for juveniles subject to the jurisdiction of the Iowa department of human services who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.
- d. Employees and supervisors of employees of city and county jails who have, or are expected to have, direct physical supervision of an individual reported to be HIV positive.

8.103(3) HIV information shall not be transmitted over any law enforcement radio broadcasting system, cellular telephone system, radio telephone system, or any other radio-based communications system. This provision shall not apply to the transmission of HIV information in data form to or from mobile digital terminals or mobile digital computers authorized access to the IOWA system and operated by a law enforcement officer or certified IOWA system operator in the performance of official duties.

8.103(4) Individuals who receive HIV information pursuant to this rule shall use the information solely for the purpose of the protection of those individuals having or expected to have direct contact with individuals reported to be HIV positive, and for the prevention of the spread of the HIV virus. Information shall be provided only to individuals and their supervisors who have direct physical contact with persons reported to have the HIV virus. Except as provided in subrule 8.103(2), information obtained pursuant to this rule shall not be communicated to any person not employed by the agency employing the person providing it or used outside the agency for any purpose.

8.103(5) Individuals who are authorized to receive HIV information pursuant to this rule shall receive training developed and established by the commissioner of public safety, in cooperation with the department of corrections and the department of public health, regarding the confidentiality standards applicable to HIV information received from the IOWA system or the National Crime Information Center.

661—8.104(80,692) IOWA system security. IOWA system terminal access shall be available to criminal justice agencies as defined by Iowa Code section 692.1(7). Prior to being permitted terminal access to the IOWA system, a criminal justice agency shall meet the following criteria:

8.104(1) All terminals shall be located within the facilities or vehicles of authorized agencies where appropriate physical security can be maintained.

8.104(2) The immediate terminal areas shall be restricted to prevent access by unauthorized individuals.

8.104(3) All persons accessing NCIC and the criminal history files shall have been authorized to operate the terminal by the criminal justice agency administrator, been approved by the department of public safety, received the required training and achieved proficiency certification by the department of public safety.

Agencies shall complete a background investigation on all applicants for positions with access to NCIC and criminal history files. Agencies shall notify the department of public safety of the completion of the required background investigation. The background investigation shall be done to ensure the following:

- a. That the applicant is 18 years of age or older at the time of appointment to the position.
- b. That the applicant is not addicted to drugs or alcohol.
- c. That the applicant is of good moral character and has not been convicted of a serious crime.
- d. Agencies shall submit two fingerprint cards on all applicants to the Iowa division of criminal investigation. One card will be used to check for any Iowa criminal history and the second card will be forwarded to the FBI for a national search of criminal history records.

8.104(4) Where IOWA system terminals are not operated on a 24-hour-per-day basis, the terminals shall be physically secured when unattended.

8.104(5) The criminal justice agency administrator shall be directly responsible for ensuring that information received from the IOWA system is restricted for the official use of agency personnel, other criminal justice agencies, or other agencies authorized, in writing, by the department of public safety.

8.104(6) Any agency desiring direct access to IOWA system files shall make application to the department. Before authorization is granted, the administrator of the applying agency shall enter into a written agreement with the department of public safety agreeing to abide by all rules, policies and procedures promulgated by the department for system operation, security and discipline. The agreement shall reserve to the department the right to terminate furnishing criminal history or other file information to the applicant agency if abuses are discovered concerning either the security or dissemination requirements of this data.

8.104(7) Any agency which has had its authorization to IOWA system files terminated by the department may appeal the termination to the commissioner of public safety, in accordance with 661—Chapter 10.

661—8.105(80,692) Subpoenas and court orders. Any agency or individual in possession of criminal history data received from the department that is served with a subpoena, court order, request for production or other legal process demanding the production of criminal history data, shall notify the department in writing so that the department has an opportunity to make a timely resistance.

661—8.106 to 8.200 Reserved.

These rules are intended to implement Iowa Code sections 80.9 and 692.14.

DIVISION II
CRIMINAL INTELLIGENCE INFORMATION

Rescinded IAB 11/8/06, effective 1/1/07; see 661—Chapter 81

661—8.201 to 8.300 Reserved.

DIVISION III
IOWA SEX OFFENDER REGISTRY

Rescinded IAB 2/16/05, effective 4/1/05; see 661—Ch 83

[Filed June 30, 1975]

[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]
 [Filed 1/10/86, Notice 11/20/85—published 1/29/86, effective 3/6/86]
 [Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]
 [Filed emergency 9/27/94—published 10/26/94, effective 10/1/94]
 [Filed emergency 6/29/95—published 7/19/95, effective 7/1/95]
 [Filed 7/26/95, Notice 3/1/95—published 8/16/95, effective 10/1/95]
 [Filed 10/30/97, Notice 7/2/97—published 11/19/97, effective 1/1/98]
 [Filed emergency 6/26/98—published 7/15/98, effective 7/1/98]
 [Filed emergency 6/30/99—published 7/28/99, effective 7/1/99]
 [Filed emergency 6/29/00—published 7/26/00, effective 7/1/00]
 [Filed 2/22/01, Notice 7/26/00—published 3/21/01, effective 5/1/01]
 [Filed emergency 4/30/01—published 5/30/01, effective 5/1/01]
 [Filed emergency 6/5/02—published 6/26/02, effective 7/1/02]
 [Filed emergency 4/24/03—published 5/14/03, effective 5/1/03]
 [Filed emergency 7/13/04—published 8/4/04, effective 7/15/04]
 [Filed 1/26/05, Notice 9/29/04—published 2/16/05, effective 4/1/05]
 [Filed 10/19/06, Notice 9/13/06—published 11/8/06, effective 1/1/07]