

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES**

ADMINISTRATIVE ORDER NO. 2-29.0

WHEREAS, the Tri-County Criminal Justice Information System (CJIS hereinafter) has provided reliable, up-to-date information to the criminal justice community or over two years; and

WHEREAS, the CJIS users have come to rely on the accuracy of the data for the purpose of making important case management decisions; and

WHEREAS, the accuracy and reliability of the criminal history data is being seriously compromised by the proliferation of duplicate name entries, i.e., the reporting of a single defendant's criminal history under two or more names; and,

WHEREAS, the CJIS Oversight Committee has developed a practical and effective plan to correct a major portion of the duplicate entries, it is, therefore,

ORDERED AND ADJUDGED as follows:

1. This Order applies to the entire criminal justice community including the Sheriffs and Clerks of Polk, Hardee and Highlands Counties; the State Attorney and Public Defender; and the contributing municipal and other law enforcement agencies with arrest authority within the jurisdiction.

2. Effective at midnight on September 1, 1993, ALL CRIMINAL CHARGING DOCUMENTS SHALL INCLUDE AT LEAST THE RIGHT THUMBPRINT OF THE DEFENDANTS CHARGED BY THE DOCUMENT. In the absence of a printable right thumb, a left thumbprint shall be affixed to the original charging document (or an appropriate notation indicating which thumb). Charging documents include all criminal Uniform Traffic Citations, Probable Cause Affidavits, and Notices to Appear, they do not include Information or Indictments. In cases where a full-custody arrest is made, the taking of a full set of fingerprints satisfies the above requirements so long as the prints are kept on file in the arresting agency and identified to the defendant and to the arrest incident. The charging documents and fingerprint cards shall be processed according to the instructions attached as Exhibit "A" and incorporated herein.

3. Effective immediately, the Affidavit forms attached hereto as Exhibit "B" will be the only approved forms for use in this Circuit. In the interest of economy, all law enforcement agencies will be allowed until January 1, 1994, to continue the use of their existing supply of affidavits provided the "thumbprint" provision of this Order is adhered to and provided also that all arrest affidavits contain the appropriate OBTS and Booking numbers as well as the correct level and degree of the crime charged.

The affidavit is to be either computer generated or printed on multi-part paper and the original and two copies will be required for submission at booking or at intake.

4. Effective at 8:00 A.M. on September 1, 1993, Polk County MIS shall cause the two line disclaimers attached as Exhibit "C" to appear on the CJIS Defendant Case History Screen of Juvenile Case History Screen.

5. The Clerks of the Court are authorized and directed to consolidate the records of an individual when it can be determined to a reasonable degree of certainty, that the records constitute the criminal history of a single individual. In making the consolidation decision the Clerks should use the hierarchy of identifiers attached hereto as Exhibit "D". The decision to combine records should be made carefully by supervisory personnel.

6. The Court encourages the Tri-county CJIS Board to develop, in conjunction with Polk County MIS, a searchable alias cross-reference index.

7. Individuals who disagree with the criminal history reported by CJIS will follow the following procedure:

a. Obtain a copy of the form attached hereto as Exhibit "E" from the Clerk in the County where the alleged error is reported or from the Court Administrator.

b. File the completed, verified form together with a complete set of legible fingerprints rolled by a local police agency with the Clerk of the County reporting the criminal history complained of.

c. That Clerk shall, within ten days, respond to the complaint by either:

i. amending the criminal history and providing a copy of the amendment to the complainant, or

ii. declining to amend the history and stating reasons therefore in the Clerk's written response to the complaint.

d. The complaining party may, within thirty days of filing the initial complaint, appeal the clerk's decision to a committee designated by the Tri-County CJIS Board. The committee shall consist of 5 members who shall, insofar as possible, be representative both

geographically and according to function: law enforcement, prosecution, defense and court. The decision of the Appeal Committee shall be final.

DONE AND ORDERED in Chambers at Bartow, Polk County, Florida this 25th day of August, 1993.

Randall G. McDonald

Chief Judge

