

CHAPTER 35. INVESTIGATIVE SERVICES

[Authority: 75 O. S., § 302(A)(1); 74 O. S., § 150.21a]
[Source: Codified 8-11-97]

SUBCHAPTER 1. GENERAL PROVISIONS

375:35-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the relevant provisions of 75 O. S., Sections 250 et seq. (The Oklahoma Administrative Procedures Act). The rules contained in this Chapter outline the procedures of the Oklahoma State Bureau of Investigation's Investigative Services Division.

[Source: Added at 14 Ok Reg 3477, eff 8-11-97]

375:35-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"**CIU**" means Crimes Information Unit of the Oklahoma State Bureau of Investigation as established by Title 74 O. S., Section 150.21 a, and which shall hereafter be referred to as the Criminal Intelligence Unit.

"**Crime Prevention**" means activity by law enforcement officers or prosecutorial authorities which anticipates, hinders, frustrates, or stops suspected criminal activity. It does not include dissemination of information to persons other than commissioned peace officers.

"**Director**" means the Oklahoma State Bureau of Investigation's Director.

"**INTERPOL**" means the International Criminal Police Organization

"**Level One Background Investigation**" means an electronic database search and report of the following by an OSBI Analyst and/or Communications Specialist:

- (A) OSBI Criminal history;
- (B) State Court Records via OSCN/ODCR (and/or out of state equivalent);
- (C) Oklahoma Driver License status and traffic record;
- (D) NCIC/NCIC III files;
- (E) United States District Courts records;
- (F) United States Bankruptcy Court records;
- (G) INTERPOL records (if applicable);
- (H) OSBI Indices Records;
- (I) Intelligence Files;
- (J) Oklahoma Employment Security Commission;
- (K) Newspaper Archives.

"**Level Two Background Investigation**" means an Level One Background Investigation and the following additional queries to be completed and reported by investigative personnel of the OSBI:

- (A) Oklahoma Tax Commission;

- ~~(B) Internal Revenue Service,~~
- ~~(C) Ethics Commission,~~
- ~~(D) Federal Bureau of Investigation,~~
- ~~(E) Education Verification,~~
- ~~(F) Military Service Verification,~~
- ~~(G) Birth Certificate Verification,~~
- ~~(H) Employment Verification for 10 years prior to application,~~
- ~~(I) Neighborhood interviews,~~
- ~~(J) Employer Interviews for 10 years prior to application~~
- ~~(K) Reference Interviews,~~
- ~~(L) Interviews of relevant Court Officials,~~
- ~~(M) Verification of facts as submitted by the applicant,~~
- ~~(N) Applicant interview,~~
- ~~(O) Other applicable and relevant interviews developed as a result of Level One and Level Two Background Investigations~~

~~"NCIC" means the National Crime Information Center~~

~~"NCIC/III" means the National Crime Information Center Interstate Identification Index~~

~~"ODCR" means On Demand Court Records for the State of Oklahoma~~

~~"OSBI" means Oklahoma State Bureau of Investigation.~~

~~"OSCN" means The Oklahoma State Courts Network~~

~~"Reasonable suspicion of criminal activity" means that level of certainty which is created in the mind of an experienced and trained police officer that there is a reasonable possibility an individual or organization is involved in a definable criminal activity or enterprise.~~

~~{Source: Added at 14 Ok Reg 3477, eff 8-11-97; Amended at 33 Ok Reg 1725, eff 9-15-16}~~

~~375:35-1-3. Judicial Background Investigations for the Judicial Nominating Commission~~

~~The OSBI will conduct a Level One Background Investigation on all judicial applicants as requested by the Judicial Nominating Commission. The OSBI will conduct a Level Two Background Investigation on no more than three (3) applicants per judicial vacancy being considered by the Judicial Nominating Commission as requested by that agency.~~

~~{Source: Added at 33 Ok Reg 1725, eff 9-15-16}~~

~~SUBCHAPTER 3. CRIMES INFORMATION UNIT~~

~~375:35-3-1. Creation and duties of the CIU~~

~~The Director hereby establishes the Criminal Intelligence Unit of the Oklahoma State Bureau of Investigation. CIU shall, as authorized by the Director, perform the following functions:~~

- ~~(1) Investigate organized crime, criminal conspiracies, and threats of violent crime;~~
- ~~(2) collect information concerning the activity and identity of individuals reasonably believed to be engaged in organized crime, criminal conspiracies, or threatening violent crime;~~
- ~~(3) analyze collected information and disseminate such information to other law enforcement agencies for the purposes of criminal investigation and crime prevention;~~

- (4) coordinate the effort of the State of Oklahoma with local, state, and federal agencies to protect its citizens against organized crime, criminal conspiracies, and threats of violent crime by providing a clearinghouse of crime-related information for use by local, state, and federal law enforcement agencies; and
- (5) provide training to peace officers of Oklahoma concerning the legal collection, preservation, and dissemination of crime-related information.

[Source: Added at 14 Ok Reg 3477, eff 8-11-97]

375:35-3-2. Submission of information to CIU

- (a) No person shall submit information to CIU and no information shall be retained by CIU which does not meet the standard of reasonable suspicion of criminal activity.
- (b) No person shall submit information to CIU which was obtained by illegal methods.
- (c) No employee of CIU shall distribute, accept, or store information which that employee has reason to believe was obtained by illegal methods.
- (d) No privacy interest or right to confidentiality belonging to the submitter attaches to the information submitted to CIU.
- (e) The Director shall designate a form to be used to submit information to CIU. No information shall be accepted by the CIU for retention which is not provided on the designated form.

[Source: Added at 14 Ok Reg 3477, eff 8-11-97]

375:35-3-3. Distribution of information from CIU

- (a) Distribution of information contained in CIU shall be done at the sole discretion of the Director or his/her designee(s). No right to receive information exists by law, nor is any created by these rules.
- (b) Crime prevention does not include dissemination of information to persons other than commissioned peace officers.
- (c) In emergencies, dissemination of information received by CIU may be given to individuals other than law enforcement officers when:
 - (1) there are open investigations in a matter when such release is deemed necessary by the Director or his/her designee(s) and;
 - (2) for the purpose of preventing the commission of an eminent felony or preventing physical injury to any person.
- (d) Each dissemination of information under this rule shall be documented in CIU.
- (e) Each individual who requests and receives information from CIU is subject to jurisdiction of the Oklahoma District Court of Oklahoma County: if the requester is a resident of a state other than Oklahoma, or the District Court of the county of Oklahoma in which the requester is a resident, for the purposes of enforcing these rules and Title 74 O. S. §150.21a.
- (f) Each individual who requests and receives information from CIU shall provide OSBI with a signed receipt for the information on a form provided by OSBI.

[Source: Added at 14 Ok Reg 3477, eff 8-11-97]

375:35-3-4. Duties of receiver of CIU information

- (a) Each individual who receives information from CIU or submits information to CIU shall notify OSBI immediately upon notice of any order of a court with jurisdiction concerning the dissemination, maintaining, sealing, expungement, or

~~purging of the information submitted or received, or of any other order which affects the information. The individual who has received such an order shall provide CIU with a copy of the order within five (5) days of the date on which the individual originally received it.~~

~~(b) Each individual shall be responsible for maintaining the secrecy of the information. Requesters shall keep received CIU information in a secure location with access limited to those law enforcement officers who are assigned to the specific investigation which generated the need to receive the information from CIU.~~

~~(c) Each individual shall immediately purge such information from their records upon receiving a request to purge from the OSBI. Purging shall include removal of the information in any way which effectively obliterates the information or in the case of electronic storage removes the possibility of its retrieval. The receiver shall notify OSBI in writing that the purge has been completed.~~

~~(d) No individual who receives information from CIU shall make copies, allow copies to be made, or otherwise further disseminate the information in any form. If further dissemination is necessary for the administration of law or legal court proceedings, the requester shall request CIU to provide copies of the information to the additional parties who require the information.~~

[Source: Added at 14 Ok Reg 3477, eff 8-11-97]