

135. NATIONAL CRIME INFORMATION CENTER (NCIC) SECURITY AND COMPLIANCE



RICHFIELD POLICE DEPARTMENT POLICY

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Authority:	Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

This Policy sets forth procedures that will ensure compliance with NCIC security and validation requirements.

II. POLICY

Department employees have a duty to safeguard NCIC computer data. This includes preventing unauthorized access or use of NCIC data and making sure all computer entries are valid. NCIC terminals may only be used by employees who have received specific authorization to do so. Employees violating Department policies and procedures regarding access and use of NCIC data are subject to disciplinary action as outlined in the Policy #110 "Progressive Disciplinary Procedures."

III. DEFINITIONS

CJIS/NCIC HIT: A Hit is a positive response from MNJIS and/or NCIC in which the person or property inquired about appears to match the person or property contained in the response. Queried subject appears to match the record subject.

IV. PROCEDURE

OPERATOR SCREENING

State and national criminal history record checks must be conducted for terminal operators, programmers, and other persons employed or utilized to effectuate access to or initiate transmission of NCIC information. This must be accomplished by submitting fingerprints of the involved employees to the BCA to validate identification.

Terminals with access to NCIC and criminal history information must have terminal operators screened according to specific guidelines, to include background screening and certification by the state for those persons entering information into NCIC. Operators should use the terminal only for those purposes for which they are authorized.

CRIMINAL HISTORY REQUESTS & DISSEMINATION

The data stored in the NCIC is documented criminal justice information that must be protected to ensure correct, legal, and efficient dissemination and use. The individual receiving a request for criminal justice information must ensure that the person requesting the information is authorized to receive the data.

Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of the data. Unauthorized request or receipt of NCIC material could result in criminal proceedings.

Criminal history records must be maintained in a secure records environment. Such storage of records will be maintained for extended periods only when the criminal history records are key elements for the integrity/utility of the case files/criminal record files where they are retained.

When retention of criminal history records is no longer required, final disposition will be accomplished in a secure manner so as to preclude unauthorized access/use (i.e. shredding or destruction through professional agency arranged through the records administrator).

MISSING PERSON POLICY

1) Endangered Missing Persons

Endangered missing persons, regardless of age, are to be entered into the system immediately not to exceed two hours, upon receiving the minimum data required for entry into NCIC. The two hour clock shall begin at the time the minimum data required is received. The Department must be able to document the time.

2) Juveniles – Up to 17 years old

Juveniles are to be entered into the system immediately, not to exceed two hours, upon receiving the minimum data required for entry into NCIC. The two hour clock shall begin at the time the minimum data required is received. The Department should have a way to document the time.

3) Adults 18-20 years old

Any adults under 21 years of age are to be entered into the system immediately, not to exceed two hours, upon receiving the minimum data required for entry into NCIC. The two hour clock shall begin when the minimum data required for entry is received from the complainant.

A signed report is not required at the time of entry but is required as soon after entry as possible. The documentation should be from a source such as a parent, legal guardian, next of kin, physician or other authority source including a neighbor or a friend. However, when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice.

4) Adults 21 years and older

To ensure maximum System effectiveness, Missing Person records must be entered immediately when the conditions for entry are met, not to exceed 3 days, upon receipt by the entering agency.

Adults age 21 and older are required to have signed documentation supporting the stated conditions under which they are being declared missing before entry into the system, unless they are victims of a catastrophe. The documentation should be from a source such as a parent, legal guardian, next of kin, physician or other authority source including a neighbor or a friend. However, when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice.

For agencies using Electronic Records Management Systems (ERMS), some forms of signatures that are acceptable are: 1) Digitized signature 2) Manual signatures scanned into the ERMS 3) The case officer's typed name into the report in the ERMS.

When entering records into the NCIC missing person file, the entry person will:

- a) Run a current DVS and CCH/III inquiry to obtain as many descriptors as possible regarding the subject. This check should include a check of whether medical/dental information is available regarding the subject. Any descriptors used must be documented in the officer's report or in the case file. Attempts to obtain medical/dental information must also be documented in the case file.
- b) Enter a record into NCIC on the subject. This record should include all descriptors. Additional identifiers such as scars, marks and tattoos, aliases, additional dates of birth, etc., should be added to the record through the use of the Enter Missing Person Supplemental Screen.

After the record is entered, query the NCIC entry to obtain a hard copy for second party verification purposes.

Agencies are required to verify and update NCIC 2000 missing person record entries with any additional information, including: Blood Type (BLT); Dental Characteristics (DCH); Fingerprint Classification (FPC); Jewelry Type (JWT); and Scars, Marks, Tattoos, and Other Characteristics (SMT) within 60 days of entry. If a record has a date of entry older than 30 days and any of the above fields are blank, a \$.K. Missing Information Notification identifying the blank fields will be transmitted. The \$.K. Missing Information Notification will also include the record.

**A notation shall be made in the case file indicating when this attempt was made and what the outcome was, i.e.: child has returned, dental records obtained, etc. This sixty (60) day update is mandatory FBI requirements on all missing persons records under the age of 21 and Richfield Police personnel shall document in the case file to show that this requirement has been met.

NCIC HIT CONFIRMATION

A Hit is a positive response from MNJIS and/or NCIC in which the person or property inquired about appears to match the person or property contained in the response. Queried subject appears to match the record subject.

Agencies that enter records into MNJIS/NCIC must be available for Hit confirmation 24 hours a day, every day of the year. Non 24-hour agencies must place either the ORI or the telephone number of the 24-hour agency responsible for responding to a hit confirmation request in the MIS/ field of the hot file record.

1) The Hit Confirmation Process

NCIC policy requires an agency receiving a hit on another agency's MNJIS/NCIC record to contact the entering agency to confirm that the record is accurate and up to date.

2) Hit Confirmation Procedure

If you have performed an inquiry and received a "Hit", use the following procedures:

- a) Print a hard copy of the Hit.
- b) Immediately confirm with the arresting officer: Examine the Hit message and evaluate all information in the record and compare with the officer's description of the subject being stopped or property being recovered to insure that person or property matches the person or property described in the Hit.
- c) Confirm the Hit with the originating agency. An inquiring agency that receives a hit must use the YQ message to request confirmation of a Hit. Use the appropriate pre-formatted screen.
 - RNO – Request Number. Enter 1, 2, or 3 to indicate whether the Hit confirmation request is the 1st, 2nd, or 3rd request sent. When an agency requests a hit confirmation and fails to receive a response within the specified time (10 minutes or 1 hour), then it must send a second request for Hit confirmation, entering a 2 in the RNO field. The second request will be sent to the originating agency along with a copy that is automatically sent to CTA in the state where the originating agency is located. If a second request is not responded to, then a third request must be sent with a 3 in the RNO field. This will cause the Hit confirmation request to be sent to the originating agency along with copies that are automatically sent to the CTA in the state where the originating agency is located, as well as to NCIC.
 - PRI – Priority. The agency requesting confirmation of a Hit must determine if an URGENT (10 minute) or ROUTINE (1 hour) response is appropriate.
 - Fill in any other appropriate fields before transmitting the request.
- d) If the originating agency indicated that the Hit is not active, notify the requesting person. Do not arrest the subject or recover the property.
- e) If the originating agency confirms that the Hit is still active and the subject is arrested, or property recovered, enter a Locate, and print a hard copy of the confirmation to be attached to the report.

3) Hit Confirmation Response

If you receive a Hit confirmation, use the following procedures to respond.

- a) Print a hard copy of the confirmation request.
- b) Note the amount of time that you have to respond and make sure to respond within that time period.
- c) Attempt to confirm the Hit by checking the original warrant or report file to determine if the person is still wanted or property is still missing.

- d) If you are unable to confirm the Hit, send a response with an explanation for not being able to confirm.
- e) Use the appropriate YR message to respond. (Pre-formatted screen.)
 - CON – Confirmation Status. Enter one of the following does:
 - Y – Yes, to positively confirm a Hit.
 - N – No, to provide a negative response to the Hit confirmation.
 - P – In process, to indicate that you are in the process of confirming the Hit.
 - E – Extradition, to indicate that the Hit is positive or valid but the agency is awaiting a decision on extradition.

4) Documentation of the Hit Confirmation Process

All Hit confirmation teletypes should be retained, and precise notes should be made on the printout concerning how, when, and to whom the information was given. The printout should be kept in the case file. Documentation of the confirmed Hit is essential and may be critical to the success of defending a later claim of misidentification or false arrest.

SUPPORTING DOCUMENTATION FOR HOT FILES

1) Vehicle File

Before entering a stolen or felony vehicle record into MNJIS/NCIC you should:

- a) A theft report describing the stolen item including the serial number (SER) or owner applied number (OAN).
- b) Do a registration check with the state that the vehicle is registered with and print out a hard copy of the registration to attach to the record.
- c) Enter the record into MNJIS/NCIC using the pre-formatted screen. Make sure to pack the record with as much information about the vehicle as is available. Also verify the NCIC codes as they are not always the same as what you see on the copy of the registration.
- d) Query MNJIS/NCIC to verify entry and to obtain a copy of the record to be attached to the record.
- e) Follow procedures for the second party check.

2) Stolen Guns, Articles, Boats and Securities

Before entering a stolen record into NCIC you should:

- a) A theft report describing the stolen item including the serial number (SER) or owner applied number (OAN).
- b) If entering a boat, do a registration check with the state that the boat is registered with and print out a hard copy of the registration to attach to the record.
- c) Enter the record in MNJIS/NCIC using the pre-formatted screen (Boats and securities will only be entered into NCIC). Make sure to pack the record with as much information about the item as is available.
- d) Query MNJIS/NCIC to verify entry and to obtain a copy of the record to be attached to the record.
- e) Follow procedures for the second party check.

SUPPORTING DOCUMENTATION FOR IDENTITY THEFT POLICY

Before an entry can be made in the Identity Theft File, an official complaint (electronic or hard copy) must be recorded and on file at our law enforcement agency. Our agency may make an NCIC Identity Theft entry only if we are the agency that takes the identity theft complaint and the following criteria are met:

- 1) Someone is using a means of identification of the victim.
- 2) The identity of the victim is being used without the permission of the victim.
- 3) The victim's identity is being used or intended to be used to commit an unlawful activity.

- 4) The victim must sign a consent waiver, which can be found on the CJDN Secure site, prior to the information being entered into the Identity Theft file.
- 5) Information on deceased persons may be entered into the file if it is deemed by the police officer that the victim's information has been stolen. No consent form is required with the entry of deceased person information.
- 6) If the Identity Theft file is going to contain the Social Security Number of the victim, our agency is required to inform the individual of this fact and they must sign the "Notice about Providing Your Social Security Number" form, which can be found on the CJDN Secure site.

SECOND PARTY CHECK PROCEDURES

Second Party checking means that someone, other than the person making the record entry, checks the record for accuracy and completeness. This procedure is required for ALL Hot File entries and modifications to record entries.

The person conducting a second party check on a hot file should first query the record and print the HIT and proceed with the following steps:

- 1) Ensure that all appropriate sources were checked and queried for complete information. This may include Criminal History records, motor vehicle registrations, driver's license information and any other available sources. Make sure that this source material is kept with the case file or warrant. (D/L printouts, Registration printouts, CCH/III identification information.)
- 2) Compare the information from the sources listed above against the record entered into MNJIS/NCIC to verify the accuracy of information in all fields of the hot file record.
- 3) Verify that all information was coded correctly with appropriate up-to-date NCIC codes.
- 4) Correct any records that are inaccurate or coded incorrectly.
- 5) Verify that the record was "packed" with all available information.
- 6) Initial the hard copy of the entry and place the hard copy in the case file.

VALIDATION POLICY

The entering agency must validate all hot file records, except for Article File records. Validation takes place 60-90 days from the date of entry and yearly thereafter. Validation requires the entering agency to:

- 1) Remove all records that are no longer current from the MNJIS/NCIC Hot Files.
- 2) Compare all records against the current supporting documentation to ensure:
 - a) That the information in each field is accurate.
 - b) That the records contain all available information found in the case files.
- 3) Remove all records for which corresponding case file documentation cannot be located OR recreate the case file so our Department meets NCIC requirements.
- 4) Update records as needed when:
 - a) NCIC Code changes occur.
 - b) Agency related information, such as extradition limits or hit confirmation, and/or contact information changes.
 - c) New or additional information becomes available.
- 5) Contacts:
 - a) Missing Person – consult the complainant to verify that the person is still missing for all missing person records.
 - b) Stolen Property – contact the owner or insurance company for stolen property validations to verify that the property is still missing. On stolen vehicles, run a new registration to see if the vehicle has been re-registered to an insurance company or possibly in another person's name.

HOT FILES ENTRY AND VALIDATION

All hot file entries should be checked as soon as possible by a second certified NCIC terminal operator.

Missing person records should be validated and updated with dental information before they become 60 days old.

Validation letters or written verification of validation (i.e., initials of person validating record and date of validation on the hot file entry) should be contained with a police report.

Note: All entries in any of the Hot Files must be documented for entry. In addition, upon the entry of any Hot File, a second party check must be completed.

By Order Of:



Chief of Police

