

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

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## Audit Presentation for 2006 CJIC Conference

(1) Wanted Person File: In many audits we have conducted recently, wanted person records had to be modified by adding a **"Caution" Indicator**. The reports reflected that weapons were used and subjects were armed. Your agency may contact the FBI at DCFBIWA01 for a printout of your Wanted Person records to review.

(2) Stolen Vehicle File: NCIC records need to be entered as soon as the paperwork is completed (i.e. the VIN). Some agencies are waiting 2-3 days for 'supervisor approval' before entering records.

In an emergency and due to extenuating circumstances, entry is permissible by receiving the entry information over the phone, however, the report should be completed no later than the end of the shift that the incident occurred on and submitted for the second party check.

(3) FBI CJIS Security Policy: The required **deleting of passwords, log-ons**, etc. of separated employees (4.1). For agencies using Datamaxx, Lems.Web or SNET, after SLED is notified of the separated employees, SLED will "disable" the passwords or log-ons. As per SLED ISO Sharon Baron (8-8-05), SLED Policy states that agencies should let SLED know of separated employees within 5 days upon learning of the separation.

Any other vendors (DCS, etc.) will have to disable the passwords, log-ons, etc. themselves. As per SLED Policy, these agencies have 5 days to disable passwords and log-ons upon learning of the separation. This procedure must be addressed in the users written security policy.

(4) FBI CJIS Security Policy: According to FBI Security Policy, all personnel who have authorized access to FBI CJIS systems must be **fingerprinted** within 30 days of initial employment or assignment to include personnel directly responsible to configure and maintain computer systems and networks with direct access to FBI CJIS systems (4.5.1, (a)). Agencies should send to SLED Records one (1) completed blue applicant fingerprint card with "CRIMINAL JUSTICE APPLICANT" as the reason.

(5) The FBI CJIS Security Policy is now available to the agency TACs on LEMS.Web, located at the bottom of the "Category List".



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(6) Some agencies state that they are not allowed to **keep the original warrant or protection/restraining order**: the court says that they must keep the original. If no alternative can be worked out whereby the agency keeps the original, the agency must enter into an agreement with the courts specifically stating that the courts must immediately notify the agency if the warrant/order is dismissed or withdrawn. To conduct proper validation under these circumstances, the court must submit to monthly validations because the agency must confirm the existence and status of the warrants or orders.

(7) **For agencies that service other agencies**: Written procedures must be in place to address the handling of hit confirmation requests. The policy should address who is to respond to the request (shift sgt., senior detective, on-call detective, etc.) and how to contact that person (radio, phone, pager).

(8) **New audit procedures**: Since we will be on a three-year audit cycle, for agencies with bad audits (bad hot files, policy issues), we will conduct a follow-up audit within 3-6 months of the initial audit.

(9) New audit question: Does the agency **remove the record** as soon as they are aware the record is no longer valid? (NCIC 2000 Manual, 5.4.4).

#### REMINDERS

(10) All agencies with **Missing Person records** must validate all their missing person records on a quarterly bases (contact DCFBIWA01 or 304-625-3020).

Effective August 1, 2004, for NCIC entry purposes, the modified age of a juvenile is under the age of 21. An emancipated person is age 21 and over (FBI TOU 04-3).

(11) In the **JUS (Justification) Field**: Put the specific reason ("homicide inv.", "narcotics inv.", "prisoner classification", "GS Court", "Police Officer Background") and the case number or tracking number if available.

(12) In the **ATN (Attention) Field**: The name of the person who will use this information to make a decision.

If for court: put the judge's name

If for the solicitor's office: the person's name who will use the information

If for an investigation: the name of the investigator who will use the information

Note: Do NOT just put "Court" or "Solicitor's Office".

(13) Be sure to **"Pack the Record"** of not only wanted persons but for missing and unidentified person records, to include dental information, as well as packing the record of respondents in protection orders.

(14) To meet the FBI **3-day entry requirement for NCIC records**, agencies should either:

- (1) log in the warrant/protection order (received from the courts) or
- (2) use a "Date-Time" stamp to "clock-in" the warrant or order

(15) Remember: For entering **protection orders/restraining orders**, determining the Brady criteria has NO bearing on entering the order into NCIC- they are two separate issues.

- "Y" = the person IS prohibited from purchasing/possessing a firearm  
"N" = the person is NOT prohibited from purchasing/possessing a firearm)

(16) **Missing Person Records:** Remove invalid records in a timely manner. The FBI reviewed many active records where the case file reflects subjects returned home or were located. During the past FBI Audit, many agencies were unable to locate many missing person files and reports.

(17) Following **Validation Policies:** Properly conduct all validations by following FBI and SLED CJIS validation policies (handout).

(18) Properly document **Secondary Dissemination:** Many agencies are not documenting running inquires for local solicitor's offices.

It is now an FBI requirement to "log the individual requestor and /or secondary recipient of III records using a unique identifier" (FBI TOU 03-2). A unique identifier can be a full name, badge number, serial number or other unique alphanumeric identifier (FBI CJIS Security Policy, 7.4.1).

(19) According to FBI CJIS Audit Section Auditors (8-15-05), **Purpose Code "J"** is to be used for initial inquiry of a person being hired as an operator/dispatcher AND each time after that during reaffirmation, which in South Carolina, is every two (2) years.

(20) Purpose Code F: The most common reason for using **Purpose Code F** is inquiring on the owner of a firearm prior to returning it to him (due to confiscation, held in evidence or being pawned). Many agencies were using "C" for this purpose.

(21) According to Dave Tetrick, FBI NICS Section, "anything concerning **VGTOF** is considered law enforcement sensitive information and should NOT be posted to any web-sites that are accessible to the general public." (8-12-05)

(22) Enter **warrants and protection orders/restraining orders** in a timely manner.

(23) **Protection/Restraining Orders:**

- (1) Get with the courts and make certain orders AND DISMISSALS are forwarded to the entering agency in a timely manner; and
- (2) MAKE CERTAIN ALL PERSONS ENTERING ORDERS UNDERSTAND "BRADY" (see handout).

(24) New Audit question: "Does your agency's written SOP specifically address who is authorized to receive **criminal history**? (law enforcement, courts, solicitor's office, local judges, probation, detention centers, etc.)"