

# South Carolina Law Enforcement Division Criminal Justice Information System

(CJIS)

## USER AGREEMENT AND SYSTEM RESPONSIBILITIES

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### **Introduction**

The South Carolina Criminal Justice Information and Communications System (CJIS) operates under a shared management concept between the South Carolina Law Enforcement Division (SLED), as the service provider, and criminal justice agencies or non-governmental agencies contracting to support certain functions for criminal justice agencies, as the service users, herein after known as “user agencies”.

### **Criminal Justice Information and Communications System (CJIS) User Agreement**

The responsibility of the SLED CJIS Division is to provide up-to-date, reliable and quality identification and information services to user agencies.

The out-of-state data (originating outside of South Carolina) provided by the SLED CJIS Division are managed and exchanged in cooperation with the FBI CJIS Division, each state CJIS Systems Agency (CSA) and Federal Service Coordinator (FSC). This information includes, but is not limited to, the Interstate Identification Index (III), the National Crime Information Center (NCIC), National Incident-Based Reporting System (NIBRS), and the Integrated Automated Fingerprint Identification System (IAFIS) programs. In addition, information is routed from all the states, Canada, and certain federal agencies via the National Law Enforcement Telecommunications System (NLETS)

The in-state data (originating within South Carolina) provided by the SLED CJIS Division are routed from and exchanged with source agencies in South Carolina. This information includes, but is not limited to, the South Carolina Central Repository for Computerized Criminal History (CCH) Record Information, the South Carolina Hot File(s), the South Carolina Incident-Based Reporting System (SCIBRS), the South Carolina Sex Offender Registry (SOR), the South Carolina Automated Fingerprint Identification System (SC AFIS), and the Violent Gang Terrorist Organization File programs. Motor vehicle and motor vehicle operator data managed by the SC Department of Motor Vehicles are routed via interface with that agency.

In order to fulfill this responsibility, the SLED CJIS Division provides the following services to its users:

- State CJIS Systems Agency and interface services for NCIC;
- State CJIS Systems Agency and interface services for NLETS;
- National Weather Service and sex offender registry;
- Operational, technical, and investigative assistance;

- Policy review of matters pertaining to III, NCIC, NIBRS, IAFIS and CCH, SCIBRS, SC SOR, SC AFIS;
- Training assistance to each terminal agency coordinator;
- Ongoing assistance to System users; and
- System and data integrity auditing.

The following documents are incorporated by reference and made part of this agreement:

- ◆ *Interstate Identification Index Operational and Technical Manual, NCIC 2000 Operating Manual and related updates (TOUS); and National Incident-Based Reporting System Volumes 1-4;*
- ◆ Minutes of the FBI CJIS Advisory Policy Board meetings;
- ◆ *Bylaws for the CJIS Advisory Policy Board and Working Groups;*
- ◆ *Title 28, United States Code, Section 534;*
- ◆ *Title 28, Code of Federal Regulations, Sections 16.30 – 16.34, Part 20, Part 25;*
- ◆ *Title 42, United States Code, Section 14611;*
- ◆ [FBI] CJIS Security Policy to include all elements of the NCIC Computerized Criminal History Program Background, Concept and Policy;
- ◆ *A Policy and Reference Manual;*
- ◆ Recommended Voluntary Standards for Improving the Quality of Criminal History Record Information, and NCIC Standards, as recommended by the [FBI] CJIS Advisory Policy Board;
- ◆ Other relevant documents to include NCIC Technical and Operational Update, CJIS Information Letter, etc.;
- ◆ *SLED Personnel Security Policy 7.6, SLED Technical Security Policies 7.6 et seq., Section 23-3-40 of the SC Code of Laws, Section 23-3-110 et seq. of the SC Code of Laws, Section 23-4-430 et seq. of the SC Code of Laws, SC Appropriations Act Proviso 56DD.8. et seq., Chapter 73 of the SC Regulations, SLED CJIS Operations Manual;*
- ◆ South Carolina Incident-Based Reporting System (SCIBRS) Guide/Training Manual;
- ◆ SLED CJIS NCIC Entry Quality Check Form (CJ-016);
- ◆ SLED CJIS Missing Person Validation Form (CJ-017); Amber Alert Information; and
- ◆ Other applicable federal and state laws, regulations, guides and forms.

The following NCIC or state files are available when direct access is authorized:

Identity Theft	Foreign Fugitive
Unidentified Person	Violent Gang / Terrorist Org.
Stolen Vehicle	Deported Felon
Stolen Article	Protective Order File
Stolen or Recovered Gun	Interstate Identification Index
Stolen License Plate	SC Sex Offender Registry
Wanted Person	SC Criminal Histories
Stolen Securities	SC Concealed Weapons
Stolen Boat	SC Alcohol Local Option
Missing Person	
US Secret Service Protective	
Dept. Motor Vehicles	

The following limitations or conditions, if any, for specified state and/or NLETS files are made:

By accepting access as set forth above, the user agency agrees to adhere to the following NCIC and SLED CJIS policies in order to ensure continuation of that access:

1. **TIMELINESS:** (Availability, including priority of service): Agency records must be entered, modified, cleared, and canceled promptly in NCIC to ensure maximum system effectiveness. Agencies that provide NCIC access to other agencies, such as through an interface or other process for non-terminal agencies, must ensure priority service for those agencies.  
Fingerprints of custodial arrest subjects taken by a law enforcement agency or detention facility for state offenses must be submitted to SLED within three workdays; and wanted persons records meeting entry criteria must be entered into NCIC immediately upon receipt of the arrest warrants by the law enforcement agency (i.e., not more than three days after).
2. **QUALITY ASSURANCE:** Appropriate and reasonable quality assurance procedures must be in place to ensure that the most complete, accurate, and valid entries are in NCIC. Pursuant to § 23-3-120 of the SC Code of Laws, a person subjected to a custodial arrest for a state offense must be fingerprinted for identification and to establish records.
3. **VALIDATION:** NCIC requires that all records except Article File records be validated 60-90 days after entry and annually thereafter. The NCIC Validation Policy is defined as:

*Validation obliges the ORI to confirm the record is complete, accurate, and still outstanding or active. Validation is accomplished by reviewing the original entry and current supporting documents. Recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate source or individual also is required with respect to the Wanted Person, Missing Person, and Vehicle Files. In the event the ORI is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the original entry in the file. Validation procedures must be formalized, and copies of these procedures must be on file for review during an NCIC audit.*

SLED CJIS requirements include, but are not necessarily limited to, conducting quarterly Missing Person Validations, completing the Missing Person Validation Form and the NCIC Entry Quality Check Form.

4. **HIT CONFIRMATION:** Each agency entering records must, within ten minutes or one-hour depending on priority, furnish to an agency requesting a record confirmation a response indicating a positive or negative confirmation or notice of the specific amount of time necessary to provide a response to the request for record confirmation.
5. **SECURITY:** See Technical Security Policies 7.6 (Available through SLED ISO).
6. **DISSEMINATION:** See Dissemination Policy 7.13 (Located in FBI/CJIS Security Policy & S.C Code of Laws).
7. **AUDIT:** See FBI/CJIS Security Policy. (Located on LEMS.WEB & LEO)
8. **NCIC & SCIBRS TRAINING:** Each agency will be responsible for complying with mandated training requirements.

9. **PERSONNEL BACKGROUND SCREENING:** According to the FBI CJIS 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 on (1) completed blue applicant fingerprint card with “Criminal Justice Applicant” as the reason.
10. **LOGGING:** See Technical Security Policies.
11. **USE OF THE SYSTEM:** According to any NCIC/state policies not specifically listed above:
  - A. The user agency will provide fingerprints for all custodial arrests made or brought by that agency, or ensure that they are provided, in turn, by another agency on behalf of the arresting or charging agency either via electronic submission or fingerprint card that meet submission criteria.
  - B. Each user agency with an interface to SLED CJIS must establish and maintain an information security structure that is satisfactory to the SLED Information Security Officer (ISO).
  - C. The user agency is responsible for the system access by that agency and any other agency that is, in turn, served by their agency.
  - D. Each user agency is to have a Terminal Agency Coordinator (TAC) to ensure adherence to NCIC and SLED CJIS procedures and policies within each user agency.

**Acknowledgment and Certification**

We hereby acknowledge the duties and responsibilities as set out in this agreement. We acknowledge that these duties and responsibilities have been developed and approved by NCIC System users in order to ensure the reliability, confidentiality, completeness, and accuracy of all information contained in or obtained by means of the FBI / SLED CJIS Systems. We further acknowledge that a failure to comply with these duties and responsibilities will subject our access to various sanctions as approved by the [FBI] Criminal Justice Information Services Advisory Policy Board. These sanctions may include the termination of NCIC services to the agency. We may appeal these sanctions through our CJIS Systems Agency.

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Name of User Agency

**SLED:**

\_\_\_\_\_  
Address for User Agency

Mark A. Keel, Chief

\_\_\_\_\_

**BY:**

\_\_\_\_\_  
**ORI for User Agency**

\_\_\_\_\_  
Signature of CSO

\_\_\_\_\_  
**E-mail Address**

\_\_\_\_\_  
Title/Date

\_\_\_\_\_  
Signature of User Agency Head

\_\_\_\_\_  
Title/Date

**Agencies Serviced By User Agency**

Agency Name	ORI Number
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Agency Name	ORI Number
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Agency Name	ORI Number
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Agency Name	ORI Number
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Non-terminal User Agreement(s) with the above agencies must be on file with the user agency.

Revised 03/21/14