

COLCHESTER POLICE DEPARTMENT

SUBJECT: NCIC Policy		
EFFECTIVE DATE: April 4, 2018	NUMBER: GENERAL ORDER #34	
REFERENCE: Supercedes GO #34 dated April 15, 2011	Special Instructions: Includes Appendix A	
REEVALUATION DATE: Annual	APPROVED: <i>J. Morrison #190</i>	NO. PAGES: 11

I. PURPOSE

The National Crime Information Center (NCIC) is a nationwide, computerized information system of accurate and timely criminal justice information managed by the FBI for the benefit of law enforcement.

NCIC includes information for wanted persons, missing persons, stolen property, criminal history, and information compiled during investigations of crimes that are known or believed on reasonable grounds to have occurred. Additionally, evidence on identifiable individuals collected to anticipate, prevent or monitor possible criminal activity as well as information pertaining to missing and unidentified persons is available through the NCIC system.

II. POLICY:

It shall be the policy of the Colchester Police Department and VT Crime Information Center to ensure the proper operation of NCIC. The standards, procedures, formats and criteria as contained in the FBI CJIS Security Policy and NCIC Operating Manual, will be followed by all criminal justice agencies accessing the same through the Vermont State Message Switch.

III. AGENCY COMMITMENTS

A. The primary responsibility for the entry and maintenance of accurate, timely, and complete records lies with the agency whose ORI is on the record. However, each agency is monitored by a CJIS Systems Agency (CSA). This Agency has direct telecommunication lines to NCIC, and is held responsible for records entered through those lines. There is no more than one CSA per state. In Vermont, the CSA is the Vermont Crime Information Center (VCIC), Department of Public Safety in Waterbury, Vermont. This agency is responsible for

monitoring system use, enforcing system discipline, and assuring that all users under their jurisdiction follow NCIC operating procedures. As CSA, VCIC's goal is to assist agencies in their use and compliance with the NCIC System. However, VCIC's mandate is to ultimately ensure the integrity of the system, therefore, robust administrative procedures and controls to ensure that accurate data entry and compliance with documented policies and procedures. These procedures and controls can prevent lost court case, civil liability suits, and criminal charges against the law enforcement officer, dispatcher and/or the agency.

The data stored in the NCIC System and the III File is documented criminal justice information and must be protected to ensure correct, legal and efficient dissemination and use. It is incumbent upon the agency operating an NCIC terminal to implement the necessary procedures to make that terminal secure from any unauthorized use. Any departure from this responsibility warrants the removal of the offending terminal from further NCIC participation.

Additionally, in order to protect the integrity of the state-wide system access to federal records systems, failure to comply with NCIC Operating Policy, CJIS Security Policy to include access and dissemination of III records and/or VCIC's NCIC policy may result in sanctions up to and including this agency's removal from the State Message Switch.

Furthermore, failure of the CSA to hold any non-compliant agency accountable, up to and including removal from the State Message Switch, could result in the FBI disallowing further connection to and removing the entire State of Vermont from NCIC.

The following definitions illustrate the agency's agreements with NCIC and VCIC and are to be referenced and followed at all times.

Any device that accesses NCIC information will be used by trained and NCIC certified personnel ONLY. This will include the current Full Service Terminal Operators (FSTO) and Less Than Full Service Terminal Operator (LFSTO). A list of all agency FSTO and LFSTO, their certification date and certification expiration must be maintained by this agency.

When a record is entered into NCIC, the resulting printout (or appropriate cover sheet) must be initialed and dated by the person who made the entry and by the person who performed the second party check. This printout, along with the entry request and entry confirmation will remain in the agency hot file. If an agency is non-

terminal or non-24 hour, a second copy of this information will be maintained at their Holder of Records agency.

As mandated by the FBI, the local agency will have at least one FSTO certified user designated as "TAC" (Terminal Agency Coordinator), which is the Point-of-Contact between the agency and VCIC for NCIC purposes.

B. Timeliness –To ensure maximum system effectiveness, NCIC records must be entered immediately when the conditions for entry are met, not to exceed 3 days, upon receipt (electronic or hard copy format) by the entering agency. The exceptions to immediate entry are when otherwise prescribed by federal law or when documentation exists to support delayed entry.

1. **WANTED PERSON FILE** – Entry is made immediately after the decision to arrest or authorize arrest has been made, a timely entry in the Wanted Person File is one made immediately once, the decision to arrest or authorize arrest has been made and, the decision has been made as to whether and how far to go for extradition, or if extradition is not authorized an entry may be made for felony or serious misdemeanor warrants for officer safety purposes.

A timely removal from the file means an immediate removal once the originating agency has documentation the fugitive has been arrested or is no longer wanted.

2. **FEDERAL FUGITIVE RECORDS** – Entry is made immediately (i.e. within 24 hours) upon receipt of information by the inputting agency/office, after the decision to arrest or authorize arrest has been made. Exceptions to this rule occur if imminent arrest is expected or other clear, identifiable, operational reasons would preclude immediate entry (e.g. insufficient data resulting a "John Doe" warrant).

Any exceptions to delayed entry in NCIC must be minimized and documented.

3. **MISSING PERSON FILE** – Timeliness of entry and modification in the Missing Person File is made as soon as possible once the minimum data required for entry (i.e. all mandatory fields) and the appropriate record documentation is available. For missing persons under age 21, an NCIC Missing Person File record should be entered within 2 hours of receiving the minimum data required for entry.

4. **ARTICLE, BOAT, GUN, LICENSE PLATE, SECURTIES, VEHICLE/BOAT PART, AND VEHICLE FILES** – Entry is made as soon as possible once the minimum data required for entry (i.e., all mandatory fields) and the record documentation are available. Information about stolen license plates and vehicles should be verified through the appropriate motor vehicle registration files prior to record entry if possible. However, if motor vehicle registration files are not accessible, the record should be entered into NCIC and verification should be completed when the registration files become available.
5. **ALL OTHER FILES** – Entry is made as soon as possible once the minimum data required for entry (i.e., all mandatory fields) and the appropriate record documentation are available.

See the NCIC Operating Manual, Introduction Section 3.2.2 for additional guidelines pertaining to timeliness.

C. VALIDATION - Validation obliges the ORI (Originating Agency) to confirm the record is complete, accurate and still outstanding or active. Validation is accomplished by reviewing the entry and current supporting documents, and by recent consultation with any appropriate complainant, victim, prosecutor, court, nonterminal agency, or other appropriate source or individual. In the event the ORI is unsuccessful in its attempts to contact the victim, complainant, tec., the entering authority must make a determination based on the best information and knowledge available whether or not retain the entry in the file. (NCIC Operating Manual Introduction 3.4). Validation procedures will be carried out by, or under the guidance of, the Terminal Agency Coordinator (TAC). There must be a written procedure in place.

1. **COMPLETENESS** - Complete records of any kind include all information that was available on the person or property at the time of entry. When additional information becomes available after the original entry into NCIC, that information should be added to the record as quickly as reasonably possible.

Complete person records include numbers that could be indexed in the record, i.e. Social Security, Passport, VIN, License Plates, Driver's License, etc. Inquiries should be made on all names and aliases used by the suspect. Complete vehicle inquiries include VIN and license plate numbers.

2. **ACCURACY** - The accuracy of NCIC entries and modifications must be verified by a second party. Verification should include confirming that the available crosschecks (i.e. VIN/license numbers) were made and that the data in the NCIC record matches

the data in the investigative report. A dispatcher, an officer, or a supervisor may do this crosschecking.

D. HOT FILES - All of the files available for entry of stolen property, wanted or missing persons, and files for information on dangerous persons or groups are considered "Hot Files. A Certified User can access NCIC/VCIC through the Vermont Law Enforcement Telecommunications System (VLETS) utilizing either Glink or OpenFox Messenger.

1. Entry Procedures - Using the forms provided by VLETS (Vermont Law Enforcement Telecommunications System), information will be entered as soon as minimum information is available. The menu for NCIC Entry and Cancel forms is Form 207 or Shift F4 (G-Link). OpenFox Messenger users access NCIC Entry forms in the NCIC drop down menu.

A paper NCIC entry form will be filled out and kept in the Hot Files folder in the Communications Center. The NCIC printout should be filed with the appropriate hot file entry form. The NCIC Operating Manual is always available on the VIBRS page or in the CJIS Manuals item at NexTest if there are any questions regarding required fields criteria. All entries should be brought to the attention of the TAC (Terminal Agency Coordinator).

E. ERROR CHECKING

1. Any NCIC entry will result in a response from NCIC acknowledging the request and verifying entry, providing the ORI (Originating agency) with a NIC number. The NIC number is the unique number assigned to each entry.
2. Form 280 ("Z-NCIC Entry Confirmation in OpenFox Messenger) shall be used by the originating agency to confirm that the information entered is correct. By following the on-screen directions, a copy of the full NCIC record can be obtained for review and verification.
3. Copies of all MRI's will be attached to the original case, as well as the response to Form 280 of the NIC number confirmation. Form Z-NCIC Confirmation, OpenFox Messenger, along with the initials of the person making the entry and the one performing the second-party check.

F. REMOVAL PROCEDURES

It is always the entering agency's responsibility to clear the record in NCIC when the property has been recovered, or the missing person located. In the case of a wanted person being arrested, the ORI (or their holder of records agency) will send the clear message. A list of

the NCIC Clear VLETS Forms can be obtained by Shift F4 or Form 207 (G-Link). OpenFox Messenger removal of records is located in the drop down menu. The resulting "Clear NIC" message from the clear will be placed with the appropriate Hot File paperwork, removed from the "Hot File", and then will be filed with the case. The TAC will be advised of the cancellation. Re-query via NIC number should be done to ensure the record has been removed.

G. INQUIRY TRANSACTION

A query of the NCIC data banks can be made in different ways. Use of the F1 and F2 keys will provide a multi-response, including a check of the NCIC vehicle and person files (G-Link). OpenFox Messenger utilizes the "SVQ or SNQ" under the "most common" menu item. It is important to understand that a query on a name will result in automatically checking all of the person files, and may also result in a vehicle record check if a vehicle has been linked to a name. Person files searched by entering a name and date of birth and requesting a check of the wanted person file will also search Missing Person, Foreign Fugitive, U.S. Secret Service Protective File, Unidentified Person File, Violent Gang, Known or Suspected Terrorist Organizations File, Protection Order, Supervised Release and the National Sexual Offender File. Some of the files are for officer safety only, and to facilitate the exchange of information between agencies, and others may result in taking the subject into custody once the "hit" is confirmed. All positive responses must be read carefully, and data compared to determine if the person in the NCIC response and the person encountered by the officer are the same.

Note: The increase in the amount of information available through NCIC files has tremendously increased the number of liability issues, and the possibility for occurrence for each and every ORI. This must be remembered at all times.

H. HIT CONFIRMATION PROCEDURES

Any agency that receives a positive response to an NCIC inquiry must confirm the "hit" before taking any action such as arresting the wanted person, detaining a missing person, or seizing the stolen property.

1. Confirming a hit means to contact the agency whose ORI appears on the record to ensure that the person or property inquired upon is identical to the person or property identified in the record, ensure that the warrant, missing person or theft report is still outstanding, and to obtain a decision regarding the extradition of the wanted person, information regarding the

return of the missing person, information regarding the return of stolen property to the rightful owner.

2. NLETS (National Law Enforcement Telecommunications System) will be used for any hit confirmation message. See Glink Form 322 for Hit Confirmation Requests (YQ) and the drop down menu in OpenFox Messenger. If the initial confirmation is done by phone it is to be followed up with a YQ message to establish a paper trail of the contact. This paperwork will be attached to the hot file. Notes should be made on the printout concerning how, when and by whom the record was confirmed. If the ORI confirms the hit the agency that located the person or property will transmit a Locate message to the record. The TAC should be advised of the incident.

I. RESPONDING TO HIT CONFIRMATIONS

1. When we receive a hit confirmation request for a wanted/missing person or stolen property this agency should respond with a Hit Confirmation Response (YR) message (use Form 322 for list of explanations in Glink, YR in OpenFox Messenger) to advise the inquiring agency of the status of the record.
2. **Our response time is to be done within ten (10) minutes of receiving the request provided the request is not marked Routine. If the request is marked routine the confirming agency has 1 hour to respond.** If you are unable to determine the status within this time frame, respond to the request and ask for additional time to make the determination.
 - a. All information **must** be reviewed to ensure that a proper response is given, as you are liable for certifying that the report is still outstanding and that the person, property, or vehicle is identical and the person is still missing or wanted or the theft is still outstanding.
 - b. If a telephone call is made, it is to be followed up with an YR message and/or the appropriate form for a paperwork trail. This paperwork will be attached to the Hot File. Notes should be made on the printout concerning how, when, and to whom the information was given.
 - c. If the hit results in the clearing of the record, a clear message will be transmitted by the entering agency, using the correct form. In the case of a wanted person, the ORI will send the

clear message. This should also be attached to the case and the TAC should be advised of the incident.

J. LOCATE PROCEDURE

After confirming a hit every agency, upon taking a person into custody or acquiring property must place a locate message on the corresponding record(s). To place a locate message, use Form 279 for person files and Form 278 for property files (Glink), in OpenFox Messenger see the appropriate NCIC drop down menu.

The only exception to this is a wanted person where the extradition limits do not include extradition from Vermont or extradition has not been approved (NOEX).

K. VALIDATION PROCEDURES

The FBI sends a list of NCIC records for validation to the CSA. These listings contain both active records and records in locate status. A list of these records is posted to the CJIS Documents item on the NexTest Launch Pad (<https://nextest.dps.state.vt.us>). An e-mail is sent to all TACs advising them of the availability of their records for validation. Article files, other than type TQ, or Z, are not included due to their short retention period. Validation obliges the ORI to confirm the record is complete, accurate and still outstanding or active. The records contained on the validation listing will be reviewed by the TAC.

1. The original entries and their supporting documents will be reviewed and every attempt will be made to contact any appropriate complainant, victim, prosecutor, court, motor vehicle registry file, or other appropriate source or individual who can verify that the record is still active. In addition the case file and responsible officer should be consulted to determine if there is any new information available for the record.
2. Every effort will be made to ensure that all available information has been entered and that the information contained in each record accurate.
3. If validation efforts are unsuccessful, the entering authority must make a determination as to whether or not to retain the entry in NCIC. If the record is to be retained on an invalidate record this should be noted on our agency's validation documentation. Ex: (date) unable to validate this record, (owner deceased, unable to

located complainant, mail returned undeliverable, etc. The Chief will authorize retention of the record.

4. This agency will document our validation efforts; date, name of validator, what was done to validate the records, comments, etc. This can be done on the NCIC paperwork or included in CAD/RMS.
5. The TAC will e-mail our validation response by the due date to dps.ncic@vermont.gov. The email should include our agency name and month of the validation in the subject line.

L. INTERSTATE IDENTIFICATION INDEX FILE (III) (TRIPLE I)

NCIC provides the capability to search the Interstate Identification Index (III) using an individual's personal identifiers, assigned SID, and/or assigned FBI number to determine if an index to a person's criminal history exists.

Criminal History Inquire – (Form 335 in Glink, QH in OpenFox Messenger) provides an index of subjects matching inquiry, and includes information regarding where the record is maintained. A positive response contains additional identifying data to associate the record with the person of the inquiry (height, weight, race, fingerprint classification, tattoos, etc.). With this information, our agency can decide whether to request the record. In OpenFox Messenger "QH" is to located in the "criminal history" folder.

Criminal Record Request- (Form 336 in Glink, QR in OpenFox Messenger) is used for specific criminal history records via III. Only the state ID number or the FBI number can be used to identify the record being requested. In OpenFox Messenger "QR" is to located in the "criminal history" folder.

Confidentiality – The Privacy Act of 1974 mandates the confidentiality of criminal history records, as well as requiring the FBI maintain an audit trail of the purpose for each disclosure. There are multiple purpose codes from which to choose, and one purpose code must be utilized during the III inquiry. Additionally, an audit trail is maintained by VCIC showing who requested the record. The name of the officer requesting the record, the case number that generated the need to have the record, as well as *any other agency* that will receive this record (secondary dissemination) should be included in the attention field of the request.

The ORI of the requesting agency should be used on the request.

In addition to these safeguards, the disposal of criminal history records produced by Soundex, which have no connection to the case, will be shredded immediately so that unauthorized persons cannot access them.

Criminal History records will not be released to anyone, other than those I listed in the dissemination request, including the subject of the record. Criminal History records will not be faxed except in emergencies when the recipient is at the receiving fax machine at the time of transmission, and confirms receipt of the same. Prior to fax machine disposal, the fax machine's hard drive must be destroyed or completely overwritten multiple times.

Criminal History records are to be hand delivered or sent via encrypted email. Email encryption must be to the FBI encryption standards. Office 365 (@vermont.gov) email is not encrypted to FBI standards and not to be utilized in the exchange of Criminal History Information.

To establish and maintain an audit trail, Criminal History information may also be sent via certified return receipt United States Postal Service mail to a uniquely identified person (point of contact) at the receiving agency.

In order to protect the integrity of the state-wide system access to federal records systems, failure to comply with CJIS Security Policy to include access and dissemination of III records and/or VCIC's NCIC policy may result in sanctions up to and including the agency's removal from the State Message Switch.

M. TRAINING

FULL SERVICE TERMINAL OPERATORS – All Full Service Terminal Operators (FSTO) will attend the Vermont Police Academy, or other approved venue for NCIC training provided by VCIC. This training is offered twice a year, and each new employee will attend and be certified within six (6) months of assignment.

LESS THAN FULL SERVICE TERMINAL OPERATORS – Officers attending the Vermont Police Academy Full-Time Basic Academy will receive NCIC training and Less Than Full Service Terminal Operator (LFSTO) certification as a component of the full-time basic training program.

Part-time and Waiver Officers will attend the Vermont Police Academy, or other approved venue for NCIC training provided by VCIC. This

training is offered twice a year, and each new employee will attend and be certified within six (6) months of assignment.

A minimum of two (2) hours of NCIC training will be completed annually by all LFSTO certified users. Training and recertification testing is completed using the CJIS NexTest site.

Users who have left service for five (5) or more years will be required to complete the FSTO or LFSTO class again, and upon certification, must comply with the annual training requirements for their level of certification as noted above.

TACs and Alternate TACs must maintain Full Service Terminal Operator Certification **and** complete the yearly TAC training and Exam.

Our agency will maintain records of all FSTO and LFSTO training and testing. CJIS NexTest provides reporting capabilities, including the user's certification, training and testing status. The TAC will ensure that these records are maintained within the agency and provide them to VCIC upon request.

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NCIC RECORD RETENTION PERIODS**PER NCIC OPERATING MANUAL, AUGUST 2017**

ARTICLES	BALANCE OF YEAR ENTERED PLUS 1 YEAR
IF TYP Q, T, OR Z	INDEFINITE
BOATS	
WITH HULL#, CGD OR OAN	BALANCE OF YEAR ENTERED PLUS 4 YEARS
WITHOUT HULL#, CGD OR OAN	90 DAYS
FOREIGN FUGITIVE	UNLIMITED
GANG	INDEFINITE UNTIL
SINGLE INTEREST RECORD	REMOVED BY ENTERING AGENCY
MULTIPLE INTEREST RECORD	ALL AGENCIES REMOVE THEIR INTEREST IN THE RECORD
GANG MEMBER	INDEFINITE OR UNTIL DATE OF PURGE (DOP)
GANG MEMBER WITH GNG UNLISTED	PURGE)
GUNS	INDEFINITE
RECOVERED GUNS	REMAINDER OF YEAR PLUS 2 YEARS
IDENTITY THEFT	MAXIMUM 5 YEARS OR UNTIL DATE OF PURGE (DOP)
	SUBJECT TO RETENTION PERIOD OF ORIGINAL RECORD
IMAGES	
IMMIGRATION VIOLATOR (AKA DEPORTED FELON)	UNLIMITED
KNOWN OR SUSPECTED TERRORIST (KST)	INDEFINITE
LICENSE PLATE	BALANCE OF YEAR ENTERED PLUS 4 YEARS
MISSING PERSON	INDEFINITELY
NATIONAL SEX OFFENDER REGISTRY (NSOR)	
ACTIVE	UNTIL CLEARED OR CANCELLED BY ENTERING AGENCY, OR UNTIL ERD IS REACHED
NON-EXPIRING	INDEFINITELY - REQUIRED FOR SEXUAL PREDATORS
EXPIRED	IN HISTORICAL FILE INDEFINITELY (RETRIEVED BY QXS)
CLEARED	IN HISTORICAL FILE INDEFINITELY (RETRIEVED BY QXS)
FOREIGN SEX OFFENDERS	RETAINED AS ACTIVE UNTIL CANCELLED BY INTERPOL & US NATIONAL CENTRAL BUREAU
NICS DENIED TRANSACTION	AVAILABLE FROM DATE OF NICS DENIAL UNTIL CANCELLED BY FBI- NOT MAINTAINED ON SYSTEM LOGS AFTER CANCELLATION
PROTECTION ORDERS (PO)	
EPO OR ETO	UNTIL CANCELLED OR CLEARED, OR UNTIL PO EXPIRES
NON-EXPIRING ORDER	INDEFINTELY
INACTIVE RECORDS (EXPIRED OR CLEARED)	VIA QPO FOR BALANCE OF YEAR CLEARED OR CANCELLED PLUS 5 YEARS
PROTECTIVE INTEREST	UNLIMITED