SUBJECT: NCIC Operations		NUMBER: 140.2
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RELATED STANDARDS/STATUTES/POLICIES: CALEA 74.1.3a, 74.1.3d, 81.2.9		

PURPOSE: To create an appropriate guideline for all employees in the proper use of FBI/SLED CJIS computers and information.

POLICY: The Lexington Police Department utilizes computer based NCIC "Inquiry Only" terminals and will operate them in accordance with established FBI and SLED guidelines.

I. General Procedure

A. Only authorized persons are allowed to operate the SLED CJICS/NCIC computer terminal connections. Authorized personnel include all employees having successfully passed the SLED/ NCIC certification.

B. For all topics not specifically covered in this General Order, refer to the NCIC operating manual for additional instructions.

C. The Department will conduct background investigations on all SLED/CJIS-FBI/NCIC terminal operators, to include the submission of a completed applicant fingerprint card to the FBI-Identification Division through SLED.

D. The Terminal Agency Coordinator (TAC), when considering an employee for assignment to a terminal operator position, will first conduct a search of state and national criminal history files using purpose "J" within six months of employment/ assignment and a state and national fugitive search (Wanted Person check) through SLED/CJIS-FBI/NCIC system using the employee's full name, date of birth, race, sex, and social security number.

E. If a record of any kind is found, terminal access will not be granted at that time pending review of criminal history records and/or fugitive records.

F. The TAC will forward the considered employee's fingerprint card and written notification of any negative information disclosed in the search of criminal history/fugitive records to the state CTO. The final decision to afford or deny terminal access will be made by the state CTO after considering the public's best interest.

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G. Per FBI/SLED policy, all certified NCIC operators must re-test and reaffirm every two years.

H. SLED/CJIS-FBI/NCIC systems are to be used for official law enforcement business only.

I. Lexington County Central Communications receives all incoming NCIC communication which is held for pick-up unless time sensitive such as hit confirmation requests.

J. Lexington County Central Communications is the sole entering agency per agreement for this department.

K. The following guidelines should be followed for NCIC entries.

1) Missing persons, weapons, vehicles, license plates, and articles should be entered into NCIC at the time the incident report is made.
2) Wanted persons should be entered no later than 3 days after the warrant is signed.
   (a) Positive identification of item descriptors should be obtained and forwarded to the TAC. (i.e. serial numbers, registration cards, etc.)
   (b) Any entry delays greater than 3 days should be supported by documentation within the incident report or investigators log.
3) The original incident report should reflect all NCIC entries.
4) Once an NCIC entry is no longer needed it will be removed in a timely manner.
5) The FBI requires the immediate entry of missing persons less than 21 years of age.

L. All NCIC records must be secured and after use thoroughly destroyed (shredded or burned).

M. The department will screen custodial, support and/or contractor personnel accessing terminal areas or they shall be escorted by authorized personnel at all times.

II. Hit Confirmation Procedure

A. Any agency that receives a record(s) in response to a NCIC 2000 inquiry must confirm the hit on any record(s) which appears to have been entered for the person or property inquired upon, prior to taking any of the following actions based upon the hit NCIC record:

1) Arresting the wanted person
2) Detaining the missing person
3) Seizing the stolen property; and/or
4) Charging the subject with violating a protection order.

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B. Confirming a hit means to contact the agency that entered the record to:

1) Ensure that the person or property inquired upon is identical to the person or property identified in the record
2) Ensure that the warrant, missing person report, protection order, or theft report is still outstanding; and
3) Obtain a decision regarding:
   (a) The extradition of a wanted person when applicable
   (b) Information regarding the return of the missing person to the appropriate authorities
   (c) Information regarding the return of stolen property to its rightful owner; or
   (d) Information regarding the terms and conditions of a protection order.

C. Hit confirmation procedure is based on two levels of priority, **urgent** and **routine**.

1) Urgent
   The entering agency must respond to the hit within 10 minutes and provide a disposition as soon as possible thereafter. In those instances where the hit is the only basis for detaining a suspect or the nature of a case requires urgent confirmation of a hit, priority 1 should be specified.
2) Routine
   The entering agency must respond to the hit within one hour and provide a disposition as soon as possible thereafter. Generally, this priority will be used when the person is being held on local charges, property has been located under circumstances where immediate action is not necessary, or an urgent confirmation is not required.

D. After establishing the priority level, the agency should then follow the following procedures:

1) Upon receipt of a hit confirmation request, the ORI of the record must furnish a substantive response within the designated timeframe. (i.e., a positive or negative confirmation *or notice of the specific amount of time necessary to confirm or reject.)*
2) If the agency requesting confirmation does not receive a substantive response within the designated timeframe, the agency should generate a second request, with a copy to its TAC/CEO and to the TAC/CEO of the agency that originated the record.
3) The TAC (or his/her designee) of the originating agency will initiate appropriate action to ensure proper response to a hit confirmation request and to comply with system standards. The action must include canceling the record.
4) If the agency still fails to receive a response, the agency should then notify the NCIC Quality Control staff by a third message with a copy to the TAC's involved.
5) Failure on the part of any TAC to ensure such compliance will be brought to the attention of the APB.

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E. The National Law Enforcement Telecommunications System, Inc. (NLETS) is the recommended network for hit confirmation. Even if the initial confirmation is handled via telephone or radio, NLETS should be used for documentation. NLETS has created an inquiry (YQ) and a response (YR) format for hit confirmation.

F. Responsibilities for the hit confirmation process are shared between the agency that received the hit and the agency that enters the record.

G. Every agency, upon taking a person into custody or acquiring property, after confirming the hit must place a "locate" on the corresponding NCIC record(s).

II. TAC/ATAC Duties

A. The FBI/NCIC requires that each department or agency possessing a computer terminal that accesses the NCIC files appoint an individual to serve as liaison and TAC for all related FBI/NCIC matters.

B. The TAC for Lexington Police Department will ensure all FBI/NCIC policies and procedures are followed. The TAC will work within the Office of Professional Standards. A second employee will be appointed to serve as an alternate TAC (ATAC) when the TAC is unavailable.

C. Duties of the TAC/ATAC include, but are not limited to:

1) Receipt of all FBI/NCIC, SLED/CJIS information concerning the communications network and state and national files
2) Receipt of monthly record validations, including coordinating the validation process within the department, returning the validation certification as required, and investigating and assisting in resolving any problems identified in this process.
3) Attending TAC meetings and seminars
4) Coordinating the scheduling of employees for certification
5) Ensuring compliance with all FBI/NCIC policies and procedures
6) Security of all terminal equipment accessing the FBI/NCIC system
7) Operator manual management: securing the manual and updating as necessary
8) Coordinating with SLED in any relocations of the computer terminal equipment
9) Acting as a liaison as deemed necessary and appropriate during mandated audits of the department's use of the NCIC system
10) Assisting the Training Division in maintaining all training records for terminal operators
11) Responsibility for implementing the designated reaffirmation procedure for each certified terminal operator, as directed by SLED/CJIS NCIC training.

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III. Validation

A. Validation obliges the Lexington Police Department to confirm the record is complete, accurate, and still outstanding or active.

B. Validation is accomplished by reviewing the original entry and current supporting documents.

C. 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 Warrant/Wanted, Missing Person, Protection Order, Identity Theft, Gang Member, Vehicle, Gun, Boat, Security and Part Files.

D. In the event the department is unsuccessful in its attempts to contact the victim, complainant, etc., the agency must make a determination based on the best information and knowledge available whether or not to retain the original entry in the file.

E. Validation policies/procedures must be written and copies of these procedures must be on file for review during an NCIC audit.

F. In submitting the monthly validation by electronic communication, a physical folder must be created and/or updated for each entry and said folders maintained by the TAC. Each folder will contain a check list that is signed by the TAC and a secondary witness (preferably the ATAC.)

IV. Dissemination of NCIC Information

A. All records in NCIC are protected from unauthorized access through appropriate administrative, physical, and technical safeguards.

1) These safeguards include restricting access to those with a need to know to perform their official duties.
2) Using locks, alarm devices, passwords, and/or encrypting data communications as approved and designed by the Information Technology Department.

B. Disclosures of information from this system, as described above, are for the purpose of providing information to authorized criminal justice agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

C. All requestors of III must be clearly identified (person/ agency name).

D. All misuses of NCIC (III) must be reported to SLED.

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V. NCIC Violations

A. Pursuant to FBI/NCIC policies, violations of NCIC rules and regulations will result in disciplinary action commensurate with the violation. Discipline will be applied as follows:

- First offense: Written reprimand or suspension.
- Second offense: Suspension or termination.
- Third offense: Termination.

B. Unauthorized disclosure of receipt of SLED/CJICS-FBI/NCIC criminal justice information or the release of driver's license or vehicle registration information to other than criminal justice employees without the approval of the Terminal Agency Coordinator (TAC).

- First offense: 1-5 day suspension up to dismissal.
- Second offense: 5-15 day suspension up to dismissal.
- Third offense: Dismissal.

C. Allowing the system to be manipulated by personnel not certified by SLED (excluding job training toward SLED certification).

- First offense: 5-day suspension up to dismissal.
- Second offense: Dismissal.

D. Failure to comply with policies and procedures established in the SLED/CJIS and FBI/NCIC Operations and Procedures manual.

- First offense: Written reprimand up to 5-day suspension.
- Second offense: 10-day suspension.
- Third offense: Dismissal

E. Improper record keeping.

- First offense: Documented oral reprimand.
- Second offense: 3-5 day suspension.
- Third offense: 10-day suspension up to dismissal.

F. Intentional unauthorized modification, destruction or theft; of system data, system media or which causes a loss of computer system processing capability.

- First offense: 3 day suspension
- Second offense: 5-10 day suspension
- Third offense: Dismissal

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