



# Wilmington Police Department

## Directive: 10.02

### DCI and Computerized Records Procedures



CALEA Standards:  
41.2.5, 74.1.3, 82.1.7

#### I. Purpose

The purpose of this directive is to set forth a policy for the control of information received from the North Carolina Division of Criminal Information (DCI), the National Crime Information Center (NCIC), and other computerized criminal record security. This directive also establishes a procedure for handling requests for DCI/NCIC and National Law Enforcement Telecommunications System (NLETS) inquiries through the Administrative Services Division, and defines responsibilities for computerized criminal record security

#### II. Definitions

##### A. **Computerized Criminal History Record Information (CCH)** includes the following type of information:

1. Information received from NCIC via DCI.
2. SBI record (hard copy of DCI printout record).
3. FBI record (Form 1-4e).
4. Criminal history record information received via DCI terminal from other states.
5. Information collected by criminal justice agencies on arrests, detentions, indictments, other formal charges, dispositions or sentencing, correction, supervision and release have been approved by DCI.
6. Driver's license and vehicle registration information does not fall under computerized criminal history regulations.
7. Driver's history is classified as CCH if received via DCI.

**B. Authorized Requestors and Recipient:** Those persons who are members of The Wilmington Police Department or an Agency with whom we have a current DCI User Agreement.

**C. "Need to Know":** Applies to purposes of the administration of criminal justice and/or criminal justice agency employment.

**D. DCI Terminal:** Department of Criminal Information. DCI terminal operators must be trained and certified by DCI to operate the terminal.

#### III. Procedures

The Administrative Services Division Commander is designated as the Record Security Supervisor and has the responsibility of ensuring that computerized criminal history record equipment in the Records Section is operated properly

and the CCH is stored and accessed only by authorized persons. DCI Terminals located outside of the Administrative Services Division shall be the responsibility of the Division Commander where the terminal is assigned.

The Administrative Services Division Commander also has the responsibility of answering and/or resolving any questions regarding the security and privacy of all computerized criminal history record information and seeing that it is properly disseminated to authorized persons on a "Need to Know" basis. The Administrative Services Division Commander has the responsibility of ensuring that DCI terminal equipment is operated according to user agreement regulations and is accessible only to authorized persons.

The Administrative Services Division Commander has the responsibility for the operation of terminal equipment and providing access to authorized persons **only**. DCI Certified Terminal Operators – Only personnel who have been certified by DCI may operate the DCI terminal (and those in training under the supervision of a certified operator for a maximum of 120 day period).

Officers will submit requests for entry into DCI/NCIC to the Front Desk personnel. Stolen items must have a serial number or owner applied number.

### **Types of reports to be entered into DCI/NCIC**

- 1. Larceny reports**
  - a.** Loss of items with a serial or owner applied number
  - b.** Televisions
  - c.** Bicycles
  - d.** Office equipment
  - e.** Any item(s) stolen and there is a possibility of interstate movement of the property
  - f.** Any item(s) stolen during a serious crime (rape, arson, murder, kidnapping, armed robbery, etc.)
  - g.** Guns
  - h.** Stolen boats
  - i.** License plates
- 2. Motor vehicle larceny reports**
- 3. Motor vehicle recovery reports**
- 4. Missing person(s), Returned Missing person(s), and Unidentified person(s).** All juveniles, endangered persons, persons with psychiatric illnesses, or dementia issues shall be entered into NCIC without delay.
- 5. Wanted Persons** (All felony warrants are required to be entered into NCIC)

- 6.** Abandoned vehicle storage reports (if the owner is unaware of the location of the vehicle)
- 7.** Lost, Recovered, and felony guns
- 8.** Seized tags and vehicles

All DCI/NCIC hot file entries must be complete and accurately reflect the information contained in our Agency's investigative documentation at the point of initial entry. This process must be checked by a second party who will initial and date a copy of the NCIC inquiry printout indicating that accuracy has been determined. The person performing the second party check shall be DCI certified in modules 1, 2, and 3. DCI clerks may distribute wanted persons information as well as bolo information on missing persons to department personnel via the email. Officers who have taken out a felony warrant may relay the information via email also.

DCI clerks will store, within access of their terminals, copies of reports for stolen property/missing persons that are entered into NCIC. DCI clerks will also have immediate 24 hours per day access to original felony warrants entered into NCIC. The purpose of such storage will be to perform "hit confirmations" within 10 minutes of "Stolen, Wanted Persons, Missing Persons" inquiries from other agencies via DCI Terminals who may have located a wanted subject or stolen item. Felony Warrants obtained by Wilmington Police Employees will be entered into the Department Records Management Software for instant retrieval capability. All other warrants and orders for arrest are maintained on the Administrative Office of the Court's NCAWARE database, which is accessible to applicable personnel 24 hours a day. When DCI entries require cancellation, the DCI clerk shall follow the established DCI procedures which they have been trained to perform.

NCIC retains reports on stolen/lost guns, wanted persons, missing persons, and unidentified persons indefinitely. Stolen vehicles, license plates, boats, and securities are retained in NCIC for the remaining year of entry plus 4 years. Stolen articles are retained in NCIC for the remaining year of entry plus 1 year. All departmental personnel, who have access to computerized criminal history record, will read and understand this order and the related statutes pertaining to the security and privacy of CCH.

Employees will protect all CCH under their control from unauthorized access, disclosure, or dissemination. Employees will not confirm the existence or non-existence of, nor reveal, display, disseminate, or discuss in any manner CCH maintained by or accessed through DCI/NCIC or SBI Identification Division with any person(s) or agency(s) who are not authorized requestors or recipients.

Employees receiving CCH from any other person or agency (secondary dissemination) have the same responsibility regarding the dissemination and destruction of any CCH in their possession. Employees will report to their

immediate supervisor of any attempt to violate the security of CCH maintained or accessed through this department.

**A. DCI/NCIC Data Collected and Stored**

Data will be collected, stored, and accessed only by an officer or employee of any agency concerned with apprehension, judgment, and/or correction of offenders. Data gathered, collected, stored, and/or accessed will have been gathered in the performance of the agency's official duties.

**Three types of data are to be excluded from storage in the system:**

1. Juvenile information – unless the juvenile is charged as an adult offender.
2. Traffic offenses – unless the vehicle is involved or suspected of being involved in a felony
3. Unverifiable data given by intelligence sources.

**B. Upon receipt of a Criminal History Request Form, the Terminal Operator will:**

1. Carefully check the purpose for the request. If the request is for a non-criminal justice employment/licensing check, the terminal operator will:
  - a) Inquire if there is a record via QHE {character code}.
  - b) If QHE is negative, the terminal operator will sign the WPD Form 5, note "No Record," and file the request form. The requestor will be notified.
2. If QHE is positive, request record via QRE {character code}.
  - a) Original copy of record will be forwarded to requestor.
  - b) The request will be signed by the terminal operator.

**C. Request for DCI/NCIC Entry on Computerized Criminal History Record**

An officer or agency requesting inquiry for CCH and driver's history from DCI/NCIC will obtain a request form (WPD Form 5) from the desk person, complete it, and submit it to the Front Desk.

1. No CCH or driver's history is to be given out over the radio.
2. The CCH request forms are stored in the records section
3. Officers needing a hard copy of CCH must submit the request to the terminal operator on a request form.

**D. Protection from Unauthorized Access**

CCH will be stored in a secure area. The Records Section and Front Desk are secure areas and may be entered only by persons authorized by the Chief of Police. Supervisors and Administrative Services personnel are

the only individuals authorized to enter secure areas. **Authorized is on a need basis only and is not to be construed as permission to enter when it is not necessary.** Other individuals needing access to the Records Section or the Front Desk will be authorized on a need basis by an Administrative Services Section Supervisor (or the Records Section Supervisor for access to the Records Section).

**E. Record Review by Public**

Review of Record—An individual requesting to review their DCI, SBI, or FBI criminal history record will be referred to an SBI district office or the SBI/Identification Division for such review. The SBI/Identification Division has adopted administrative procedures for such review. The procedures include the subject being fingerprinted and completing an "Application for Right to Review".

**F. Access to Computerized Criminal History by a Defense Attorney**

A defense attorney requesting CCH or driver's history from the department must submit the form signed by a District or Assistant District Attorney in the prosecutorial district where the case is to be tried. The form shall be completely filled out in order to perform the records check.

**B. Destruction**

Obsolete CCH will be destroyed by shredding. All CCH kept in the Records Section will be destroyed in such a way that the subject's name can no longer be identified. Obsolete CCH will be destroyed by a person authorized by the Records Section Supervisor to do so. Employees will destroy requested copies of CCH in the above manner and never discard such documentation by simply throwing them away in trash receptacles.

**H. Penalties**

Misuse of CCH violation of these policies or federal regulations and state statutes may result in suspension, dismissal, and/or prosecution.