



# THE **CJIS** NEWSLETTER

**Criminal Justice Information Services**

## *Holiday Greetings from the CJIS Systems Officer*



I enjoy having the opportunity, albeit long distance, to wish all of the members and users of the MULES network a Merry Christmas and Happy New Year. As we close out 2007, I can look back on a successful year for the CJIS program and hope as an agency, the Missouri State Highway Patrol has met your needs and expectations for services and information. It is our desire to continue to improve services in general, as well as specific deliverables to our network of users. As the CSO for the State of Missouri, I have had the good fortune to meet many of you, some at the APCO conference, others in my travels to the field. I appreciate the many kind remarks about the staff you routinely work with and hope those good relationships continue to strengthen. As we enter the new calendar year, I wish you all a safe and happy holiday season, and a prosperous 2008.

Sincerely,

R. E. (Bob) Bloomberg - CSO, Missouri  
Missouri State Highway Patrol

## *MULES Newsletter and UCR Bulletin Become CJIS Newsletter*

This newsletter should be divided into several sections. One section contains the pertinent information for MULES/NCIC Operators and should be removed and placed with the *MULES/NCIC Operational Manual* for future reference. Another section contains information for Uniform Crime Reporting agency points of contact and should be removed and placed with the *Missouri Supplement to the UCR Handbook* and the *UCR Handbook*. Each section contains a box, which operators and other appropriate personnel may initial and date after reviewing the materials. Please ensure that all affected personnel



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receive an opportunity to review *The CJIS Newsletter* before it is sectioned out and placed with the designated manuals.

Specific questions or concerns should be directed to the appropriate Division:

### **Communications Division**

Rocky Ponder (573) 526-6107 email: [rocky.ponder@mshp.dps.mo.gov](mailto:rocky.ponder@mshp.dps.mo.gov)

### **Information Systems Division**

HELP DESK 1-800-877-2897 email: [isdhelp@mshp.dps.mo.gov](mailto:isdhelp@mshp.dps.mo.gov)

### **Criminal Records and Identification Division**

UCR Unit (573) 526-6278 email: [ucr@mshp.dps.mo.gov](mailto:ucr@mshp.dps.mo.gov)

Access Integrity Unit (573) 526-6141

AFIS, Quality Control, Sex Offender, Criminal History (573) 526-6153

If you have suggestions regarding content of the *CJIS Newsletter*, if you want to receive the *CJIS Newsletter* in electronic format rather than hard copy, or if you have a change in contact information, please contact Laurie Crawford at (573) 526-6278 or via electronic mail at [Laurie.Crawford@mshp.dps.mo.gov](mailto:Laurie.Crawford@mshp.dps.mo.gov).

### **CJIS Newsletter Available Online**

The CJIS Newsletters are always posted online on the same date they are released. The newsletters are available on the UCR website on the 'Downloads' page at:

<http://ucr.mshp.dps.mo.gov/ucr/ucrhome.nsf/downloads?openview&Count=50>

Alternatively, the newsletters are also published on the CJIS Launchpad under the CJIS Documents link for MULES users.

### **Portable Livescan LAN Requirements**

#### **For Review by Network Administrators/IT coordinators**

In order for the Portable Livescan (ILS) to electronically transmit fingerprint records, a few network requirements will have to be met:

1. MSHP Mules connection
2. Two LAN connections (ILS, and printer)
3. A good power source

*A MULES connection is required for the ILS to transmit to the MSHP AFIS and there must also be two network connections to the MSHP router. One LAN connection is for the ILS PC and the second connection is for the Printer. In addition, the ILS and printer have to be on the same subnet to communicate. There are two ways this can be accomplished:*

*Two direct network connections to a Hub/Switch may be connected to the LAN port of the MSHP router. (IP address assigned by MSHP)*

*OR*

*Two network connections to the LAN. The LAN is then connected to the MSHP router. An IP address will be assigned to the LAN with a NAT to MSHP network.*



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*The Power Required for this station should be but does not have to be a dedicated 110 circuit. Although a dedicated circuit is not required, the circuit used should not be over loaded. This system has three components that require a consistent and reliable power source:*

1. *Dell laptop*
2. *SHB optical scanning block*
3. *Lexmark T640 printer*

To protect this equipment from electrical surge, a quality surges protector should be made available at the time of installation. Surge protector will not be provided as part of the installation package.

### **Transmission Line Recommendations:**

For optimal performance a T1 line is recommended for connecting a Livescan device to the LAN, in association with a MULES network connection. A T1 line is substantially higher in cost and for that reason may not be a viable option for your department.

A 256K line should provide enough bandwidth for most communication networks and is less expensive than a T1 line.

A 56K line has typically proved to be insufficient for Livescan transmissions associated with a MULES connection. A 56K line utilized for Livescan transmissions in conjunction with a MULES connection may cause transmission delays and ultimately cause your active MULES sessions/inquiries to be delayed or terminated.

A 56K line may be adequate for agencies with a smaller volume of Livescan transmissions and/or MULES inquiries. Additionally, a 56K line is the least expensive means of connectivity, however, most departments have found a 56K line to be inadequate for their processing needs.

If your Department is considering including future enhancements to the Livescan device such as the anticipated Mugshot capabilities, a larger bandwidth will be needed for the electronic transmission of Livescan records with an associated Mugphoto.

Please contact the Missouri State Highway Patrol Information Systems Division for the cost associated with each transmission line as the cost for each line may vary from year to year depending on contract cost.

**In the case where a MULES connection is not available, LAN connections will be required for the ILS and printer. In these instances fingerprint cards may be completed and printed from the Livescan device and mailed to MSHP as they are currently being completed with inked fingerprint cards.**



*Promotions and New CJIS Personnel*



The Criminal Justice Information Services Section would like to extend a warm welcome to our new Senior CJIS Manager, Ms. Theresa Huhn. Ms. Huhn has been employed by the Missouri State Highway Patrol for over 16 years, and will be responsible for administration of the newly formed CJIS Training Unit. Ms. Huhn was recently promoted from the position of CRID Services Coordinator where she was responsible for management of the Criminal History and Sex Offender data workflow, served as liaison with the Information Systems Division and outside agencies on systems integration, and worked closely on procedures for reporting criminal history data to the Missouri Criminal Records Repository. Ms. Huhn graduated from Northeast Missouri State University, Kirksville, Missouri (now Truman State University) in 1990 with a Bachelor of Science degree in Business Management and Marketing. Ms. Huhn holds certification in AFIS, Livescan and MULES and has a Specialist Instructor license from the Department of Public Safety.

In addition to Ms. Huhn, the CJIS Section recently promoted Mr. Kevin Neeley to the position of UCR Trainer/Quality Assurance Auditor for region 1, the central UCR region and area of responsibility formerly held by Ms. Kylie Dickneite. Mr. Neeley began employment within the Criminal Records and Identification Division at the Missouri State Highway Patrol in December 2003. Prior to his appointment as a trainer/auditor, Mr. Neeley served as both a UCR/NIBRS Analyst and Criminal History Specialist within the UCR Unit. Mr. Neeley was born and raised in Jefferson City and is a graduate of Jefferson City High School. He attended Southwest Missouri State University where he attained a Bachelor of Science degree in Marketing.





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Congratulations are also in order for Mr. Jason Buschjost. Mr. Buschjost was recently promoted to the position of Criminal History Specialist within the UCR Unit. Jason is a graduate of Blair Oaks High School and began his employment with the Missouri State Highway Patrol Information Systems Division on May 15, 1996. In January 2003 he transferred to the Criminal Records and Identification Division as an analyst assigned to the Access Integrity Unit. Mr. Buschjost is a lifelong resident of Saint Thomas, Missouri.

The Criminal History Services Unit, located within the Criminal Records and Identification Division of the Missouri State Highway Patrol, would like to introduce Ms. Tina M. Bybee. Ms. Bybee joined the unit in October 2007 and is primarily responsible for assisting agencies with training and technical issues relating to criminal history reporting and disposition research in the south central region of the state. Ms. Bybee has worked for the Missouri State Highway Patrol over 7 years and is certified in the areas of Livescan (electronic image capturing), the Automated Fingerprint Identification System (AFIS), and the Missouri Uniform Law Enforcement System (MULES). Miss Bybee has an Associates Degree in Elementary Education from State Fair Community College, Sedalia.





Last, but certainly not least, the CJIS Section would like to extend a warm welcome to Ms. Melissa Colvin, the newest member of the CJIS family. Ms. Colvin was recently hired to serve as an analyst in the Access Integrity Unit. Ms. Colvin will be taking over duties formerly handled by Mr. Jason Buschjost. Ms. Colvin is a graduate of Columbia College and holds a Bachelor of Arts in Criminal Justice. Ms. Colvin is a resident of Jefferson City, Missouri and worked formerly in the Victims of Crime Office at the Missouri Department of Public Safety.

### *Changes To Missouri Sex Offender Registry*

The Sex Offender Registry has made some adjustments due to a Missouri Supreme Court ruling (SC87786) on June 12, 2007. This ruling made it unconstitutional to require registration for an offense if the conviction date was prior to the date the offense became registerable per the MO Revised Statutes. This is in addition to the MO Supreme Court ruling (SC86573) on June 30th of 2006 in which offenders whose convictions were prior to January 1st, 1995, the day our registry became effective. Together with the Chief Law Enforcement Offices, each offender was researched to ensure there were no new convictions that required registration. Once verified, the offender was flagged as "exempt" and removed from the public website. With the help of the Missouri State Highway Patrol's Information Systems Division, an "exempt" list was placed on the disclaimer page of the Missouri State Highway Patrol's website. This list includes the names and offenses whose convictions are no longer registerable.

Along with these changes, a new database was constructed to ensure compliance with the Adam Walsh Act, which is a Federal mandate. This will allow the sheriff's office to enter information from their own terminals creating a quicker turnaround of SOR data to law enforcement and the public. The database has been in use by the employees of the sex offender unit at the Missouri State Highway Patrol since July 10, 2007. A pilot project is currently being rolled out to the Missouri Department of Corrections, with a projected roll out to the Chief Law Enforcement Offices beginning in Spring 2008.



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### Blunt Announces Cooperative Partnership, New Technology to Improve Safety

**JEFFERSON CITY, December 19, 2007**

Gov. Matt Blunt today announced a cooperative law enforcement partnership to purchase a new software tool that will improve information sharing in investigating crimes to help prevent criminals from falling through the cracks. In a unique partnership, state and local law enforcement have joined forces to pool federal dollars to support the software purchase.

“Government has a fundamental duty to keep our streets, our schools, and our neighborhoods safe, so that Missourians can reach their full potential,” Blunt said. “We have already seen the tremendous benefits of information sharing through the Missouri Information Analysis Center, and I commend local law enforcement for their vision and foresight to bring this software to Missouri. By working together they will be able to provide a tremendous asset to build on MIAC's success and strengthen and protect our communities.”

“I know from my own experience in law enforcement that access to accurate and timely information and intelligence will help save lives,” said Mark James, Director of the Department of Public Safety. “This data sharing program will give law enforcement the advantage against criminals by identifying relationships, associations and patterns that will help us solve more crimes and increase public safety across Missouri by getting offenders off the street more quickly.”

The state has signed a contract estimated at \$1.1 million with Knowledge Computing Corporation for their COPLINK software, which allows local, state and federal law enforcement agencies to collect, consolidate and share information across all boundaries.

Law enforcement officials will be able to sift through a database of various types of police records, from traffic stops to murder investigations, to deliver a list of leads in just seconds. The same kind of process now takes hours or even days of a detective's time, if it is possible at all.

Missouri's version, MoDex will be accessible to authorized law enforcement officers, investigators, detectives, highway patrol troopers, and crime analysts throughout the state and will be used for law enforcement purposes only beginning this summer. COPLINK databases contain information provided by police that is not generally released to the public, such as gang-intelligence databases and officers' field notes.

“Another benefit of the program is its power to generate new investigative leads in rapes, murders, burglaries, robberies and other crimes,” said Mick Covington, Executive Director of the Missouri Sheriff's Association. “Vague physical descriptions and bits of information given by crime victims or witnesses, such as tattoos, car colors, and nicknames, take on new life when they are researched in a regional database.”

“Across our state, policing agencies face tough challenges when trying to share information. This software will enable law enforcement to compile data in one central repository and give every police officer access to that critical information,” said Sheldon Lineback, Executive Director of the Missouri Police Chiefs Association.



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Many law enforcement agencies have worked together to bring this initiative to Missouri including, the Missouri Department of Public Safety, Missouri State Highway Patrol, Missouri Police Chiefs Association, Missouri Sheriff's Association, Cole County Sheriff's Office, and the Missouri Department of Corrections.

The new technology will also allow MIAC and other agencies to cross-reference or query law enforcement records systems, significantly improving operations and results. Gov. Blunt opened MIAC in December 2005 to provide a public safety partnership consisting of local, state and federal agencies, as well as the public sector and private partners. It collects, evaluates, analyzes, and disseminates information to agencies tasked with Homeland Security responsibilities in a timely, secure manner. MIAC collects incident reports of suspicious activities to be evaluated and analyzed in an effort to identify potential trends or patterns of terrorist or criminal operations within the state. MIAC also facilitates two-way communication between federal, state and local law enforcement communities within the region.

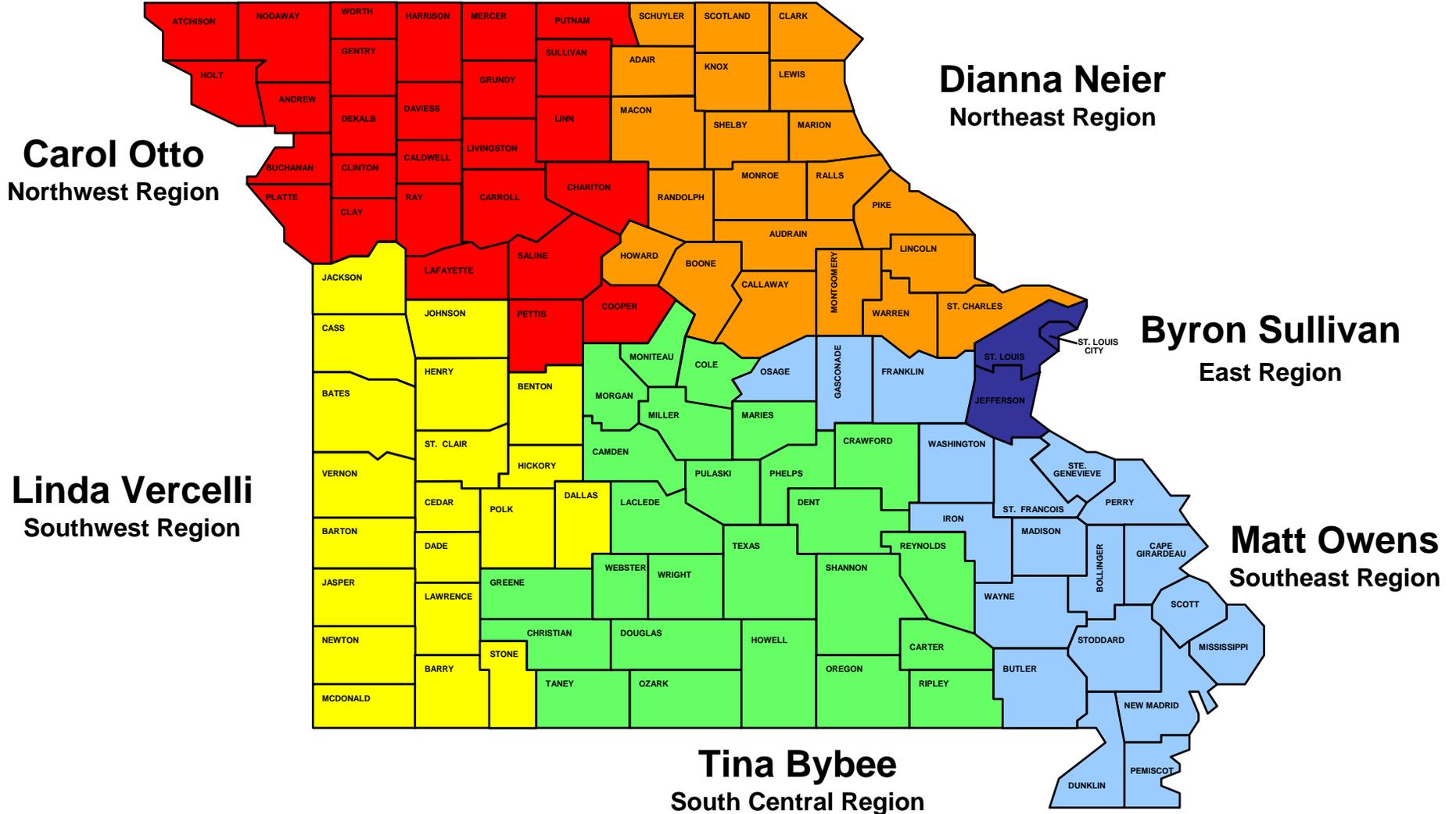
### **Director James Reminds Law Enforcement Agencies to File Proper Reports to Ensure Grant Eligibility**

Missouri law enforcement should be commended for the heroic work they do on a daily basis as each day they commit to making Missouri safer for all our citizens and visitors. Funding is a vital source to ensure daily goals are met and the underlying mission regarding public safety is accomplished. Grant money routinely flows through The Department of Public Safety to law enforcement agencies to include POST training fund disbursements, Homeland Security, LLEBG, and Byrne grants. Agencies must be in compliance with reporting requirements for UCR and Racial Profiling in order to receive funding. As the 2007 comes to a close, please review your agencies reporting status to ensure your UCR monthly reports are up to date and you are preparing to submit your Racial Profiling Report to the Attorney General's office by the March 1, 2008 deadline. **If you are not in compliance, you will not be eligible for grant funding opportunities.**

### **Criminal History Services Unit Service Regions**

The Criminal History Services Unit, which is located within the Criminal Records and Identification Division (CRID) of the Missouri State Highway Patrol, develops and updates training curriculum and provides training for both criminal justice and non-criminal justice agencies in Missouri. Training curriculum includes: Livescan Instructor, Livescan Certification, Ink Fingerprinting, RAP Sheet Interpretation, Criminal History Reporting and Sex Offender Registration. In addition to training, the Criminal History Services Unit revises and publishes the Missouri Charge Code Manual annually, handles the revisions and updates to the code file and caution indicators, provides technical assistance for both criminal and non-criminal justice personnel and collects and maintains statistics. For questions, requests for assistance or training, please contact the Criminal History Specialist assigned to your area. A map of the regional assignments is included on the following page.

# Criminal History Specialist Regional Contacts



**Criminal History Services Unit (573) 526-6345**  
**Section Supervisor – Kerry Creach (573) 526-6318**



**Crime Lab Entrance Change**

Effective January 7, 2008 the primary entrance to the Crime Laboratory for law enforcement agencies dropping off or picking up evidence will be changed. The new entrance will be the door to the right of the new Criminal Records Lobby on the First floor and next to the overhead garage door. The entrance will be labeled "Law Enforcement Only". To gain access, press the button on the left side of the doorway. The current third floor entrance will be converted to Patrol employees and those needing access to the Information Systems Division only.



**File with MULES/NCIC Operations Manual**

***Topics Addressed In This Edition:***

- Signature Block
- Emergency Placements, Purpose Code “X”, and Fingerprint Submissions
- Missouri Criminal History Record Information Secondary Dissemination Policy
- Policy on Fingerprint Records for MULES Agencies
- MULES Programming Has Been Modified For Direct Entry Into NCIC Identity Theft File
- Clarification of QNP Transactions
- Missouri / CJIS Dissemination Policy Regarding Criminal Record Checks During Criminal Justice Proceedings For Witnesses, Jurors, and Victims
- TAC Corner - New Operator Checklist

**Signature Block**

The blocks below should be initialed and dated by agency personnel before this document is filed with the *MULES Operations Manual*. Initialing the signature block indicates whether or not a particular person has reviewed the content. During the triennial MULES Audit conducted at each agency, the signature block will be checked to verify the information was received by agency points of contact.


**Emergency Placements, Purpose Code “X”, and Fingerprint Submissions**

In October 2000, the Compact Council authorized and established procedures for obtaining criminal history information for the placement of children in emergency situations or when ‘exigent’ circumstances arise.

The routine placement of children is a civil function that does not authorize the use of criminal history inquiries by criminal justice agencies with the exception of emergency placements situations.

In limited instances, a III inquiry, including all available state and federal criminal history information, may be obtained when an “Authorized State Agency” is considering the placement of a child with neighbors, friends or relatives due to the unavailability of a parent or legal guardian.

**Purpose Code “X”**

In order for a law enforcement agency to conduct an inquiry for emergency placements, the FBI CJIS Division developed a unique purpose code, purpose code “X”, which is to be utilized when conducting an inquiry.

In Missouri, a juvenile officer or DSS, Children’s Division employee may request a name based criminal history record check through a law enforcement agency. The request may be made either in person or over the phone, depending on local policy. The law enforcement agency should confirm that the individual making the request is a juvenile officer or Children’s Division employee.

Missouri juvenile officers with direct access to MULES/NCIC are approved to use purpose code “X” when placing children during emergency conditions. The “T” Originating Agency Identifier (ORI) “MO026009T” has been assigned for use by a juvenile office when performing a purpose code “X” inquiry. The “T” ORI can only be used by a juvenile court in conjunction with the purpose code “X”.

Juvenile court officers that do not have a MULES/NCIC terminal may still contact local law enforcement agencies to have them perform the criminal history inquiry. The local law enforcement agency should use their ORI when conducting any purpose code “X” inquiry.

Only a law enforcement agency or a Juvenile Officer having direct access to a MULES terminal is authorized to conduct a name inquiry for emergency placements situations.

The MULES transactions that are allowed with the Purpose Code of “X” include the QH, QID, QIDI, QMH and the QIDE transactions.

### **Exigent Circumstances**

An appropriate definition of an exigent circumstance or emergency placement situation is considered “a sudden unexpected event that results in an apparent risk to the health and safety of an individual which necessitates immediate action on the part of the state to provide protection to that individual.”

This purpose code is not to be used by law enforcement agencies or a juvenile officer for the routine placement of children or when ample time is allowed for the juvenile office or the DSS to conduct a normal inquiry

### **Positive Identification Required**

Positive identification of the subject is required on all inquiries of criminal history information for non-criminal justice purposes; therefore, fingerprints must be processed through both the state and federal criminal history databases.

Either Children’s Division staff or a juvenile officer must submit fingerprints within 15 (fifteen) days of the name inquiry. While the law enforcement agency makes the final determination of whether or not an emergency placement situation exist; it is the responsibility of the either the Children’s Division or juvenile office to ensure that fingerprints are submitted.

A law enforcement agency may capture fingerprint images for either entity, however; the law enforcement agency should not submit the fingerprints to the central repository (this includes fingerprints captured on a Livescan device).

## **Completing the Fingerprint Card**

Fingerprints should be submitted within 15 (fifteen) days of the purpose code “X” name inquiry for all members of the household 18 (eighteen) years or older. The applicant card must contain the appropriate juvenile court ORI or the Children’s Division ORI as well as the reason fingerprinted. A fee of \$20.00 (twenty dollars) will be assessed for the state search and \$19.25 (nine-teen dollars and twenty-five cents) for the federal search.

If fingerprints are submitted through the Children’s Division, the Background Screening Investigation Unit (BSIU) will be billed through SAM II accounting procedures by the Highway Patrol for both the state and federal searches. In limited circumstances, direct payment will be required.

If a juvenile court has jurisdiction over the case and is responsible for submitting the fingerprint cards, they may submit the cards directly to the Highway Patrol utilizing their ORI. Payment should accompany the request or billing arrangements should be made through the accounting office of the Missouri State Highway Patrol’s Criminal Records and Identification Division.

Payment may be remitted in the form of a check or money order made payable for \$39.25 (thirty-nine dollars and twenty five cents) to the Missouri State Highway Patrol “Criminal History Records Fund”.

### **Submitting the Fingerprint Card - BSIU**

Children’s Division policy indicates that a child should be immediately removed from the home if anyone residing in the home refuses to provide fingerprints.

The Background Screening and Investigation Unit (BSIU) within the Children’s Division has been authorized and designated through Public Law 92-544 and Missouri Statute, Sections 43.540 RSMo and 210.482 RSMo, as the “Authorized State Entity” for submitting fingerprint inquiries to both the state and federal repositories.

Currently, the majority of fingerprints submitted by BSIU are processed by L-1 Identity Solutions (formerly known as Identix). L-1 Identity Solutions is the statewide vendor for civil electronic fingerprint image capture within Missouri. If fingerprints are taken manually by using the inking method one set of fingerprints should be submitted from field office staff to BSIU. BSIU will then forward the request to the Missouri State Highway Patrol for processing. All data elements must be completed on the fingerprint card before submission.

### **Mandatory Fields**

The mandatory fields for completion include the applicant’s name, date of birth, sex and race. The social security number should be provided if available, however, it is not considered a mandatory field. The appropriate ORI and the reason fingerprinted are also required.

### **Reason Fingerprinted & VCA**

The reason fingerprinted should indicate 43.540 RSMo for either a juvenile office submission or a submission from the Children’s Division. If either entity has a placement provider that is volunteering; the reason fingerprinted should also include VCA. When individuals volunteer as placement providers,

the federal fingerprint fee is reduced to \$15.25 (fifteen dollars and twenty-five cents) per submission; the state fee does not change.

VCA is the abbreviation for the Volunteers for Children's Act and 43.540 RSMO is the Missouri statute authorizing criminal history inquiries for those care providers who have or may have unsupervised access to children, the elderly or persons with disabilities.

The law enforcement agency should run any purpose code "X" inquiry with their own ORI.

### **Audits**

The FBI mandates that Missouri conduct audits on the usage of purpose code "X" for the emergency placement of children to avoid any potential misuse. As a result, the MULES/NCIC audit program will be expanded to monitor usage by juvenile courts and local law enforcement agencies regarding all criminal history inquiries that contain the purpose code "X"

### **Fingerprint Submission Exception**

If the placement of a child is denied due to the name based search, the submission of fingerprints is still required for all persons within the home in which a name inquiry was conducted.

The only exception to the submission of fingerprints following a name inquiry occurs only if an individual is disqualified by information obtained following the name inquiry and they are not contesting the action.

In this situation, the requesting entity should inform the law enforcement agency conducting the purpose code "X" inquiry so that it may be noted in the law enforcement agency's secondary dissemination log. This is the only situation in which the submission of fingerprints is not required following a purpose code "X" inquiry.

### **Missouri Criminal History Record Information Secondary Dissemination Policy**

- Reports and documents produced for the Administration of Criminal Justice
- Correctional Facilities, inmate transfers
- Internal agency databases

In accordance with section 8 of the CJIS Security Policy, any information obtained from III is considered criminal history record information and is subject to dissemination requirements for primary and secondary dissemination. The ultimate recipient of the III information must be logged, the identifier must be unique to that individual and the log must be maintained for a minimum of thirteen months. Information may only be obtained for an authorized purpose and may only be used for an authorized purpose by authorized individuals/recipients. Dissemination of all or any portion of a RAP sheet (with the exception of the FBI number) requires logging dissemination for primary (system generated) and secondary; this includes information gleaned or derived from a federally maintained record such as a RAP sheet produced from a III inquiry.

To adhere to CJIS Security Policy for use of information obtained from a III RAP sheet, reports produced for the administration of criminal justice including (arrest reports, field incident reports, or

pre-sentence investigations which include information obtained from a federally maintained record) must be logged in a secondary dissemination log when that record is transferred to another agency or individual. Internal databases used by an agency may not contain information derived from a III RAP sheet unless used for authorized purposes by authorized individuals - this includes offender tracking or rehabilitation services. An FBI number may be contained in reports or other documents produced for the administration of criminal justice and transferred to another authorized agency/individual as long as no other information from the III record is included in the report.

In instances where an inmate is transferred from one state correctional facility to another a secondary dissemination log is not required even though the offender's case-jacket may contain a RAP sheet generated from NCIC. While the transfer of this record from one ORI to another ORI (within the same umbrella agency) does not require logging as secondary dissemination according to CJIS Security Policy, it is considered a "Best Practice" to complete a secondary dissemination log in this situation. If the originating agency does not complete a secondary dissemination log, the originating agency is not out of compliance with the CJIS Security Policy and would not be in violation of federal law.

Examples of events requiring logging for secondary dissemination include:

A Probation and Parole officer conducts a pre-sentence investigation and the report submitted to the court contains information obtained from a III RAP sheet; the dissemination of that record must be maintained in a secondary dissemination log.

A law enforcement official completes an arrest report containing arrest information obtained from a III RAP sheet and forwards the arrest report to the prosecuting attorney; the dissemination of that record must be maintained in a secondary dissemination log.

### **Policy on Fingerprint Records for MULES Agencies**

In recent MULES audits, auditors are encountering many agencies that do not have a "NO RECORD" fingerprint card and criminal history on-line inquiry on file for each operator. Each agency is required to have the fingerprint cards of all MULES operators and the criminal history query printout on file and available for the auditors to review at the time of the audit. It is the responsibility of the TAC at each agency to make sure a fingerprint card is on file for each operator and to follow-up with the Criminal Records and Identification Division (CRID) of the Missouri State Highway Patrol to make sure the fingerprint card is returned stamped with "NO RECORD." The TAC should also perform a criminal history query at least every two years on each operator. In addition, the CJIS Security Policy specifically states that "support personnel, contractors and custodial staff who access computer terminal areas shall have a fingerprint record check, unless these individuals are escorted by authorized personnel at all times." These fingerprint cards and criminal history queries are to be treated as confidential records and should be kept secure but in a separate location than each employees' personnel file.

### **MULES Programming Has Been Modified For Direct Entry Into NCIC Identity Theft File**

The NCIC Identity Theft File serves as a means for law enforcement to flag stolen identities and identify the imposter when encountered by law enforcement. An entry into the identity theft file must be supported by an official complaint recorded by a law enforcement agency and must meet the following criteria:

1. Someone is using a means of identification of the victim
2. The identity of the victim is being used without the victim's permission.
3. The victim's identity is being used or intends to be used to commit unlawful activity.
4. The victim must sign a consent waiver prior to information being entered into the identity theft file.

During the report the victim should select a password that he/she can readily recall. This password will be placed on the entry for any subsequent encounters the victim may have with law enforcement personnel.

At this time the entry must be made from a NCIC direct entry screen by going to option 5 "All Other", option 3 "NCIC Direct", and then option 4 "NCIC Directs". The entry must be typed field-by-field on the NCIC Directs entry screen. A help document has been placed on the CJIS Launchpad that details how to make the entry and perform record maintenance or users may refer to the identity theft chapter of the NCIC Operations Manual. An example of the consent waiver mentioned in criteria #4 is provided at both references.

Inquiry into the identity theft file is automatically made when any of the wanted person transactions are performed.

### **Clarification Of QNP Transactions**

Recently, MULES Auditors found some discrepancies while performing audits when operators are making CHRI inquiries for permits to carry concealed weapons. Upon verification with the NICS program office and the CJIS Division of the FBI, we found that the QNP Purpose Code P shows whether or not there is a III hit but does not detail what information that record contains. The QNP/P is the gateway to all disqualifiers for firearms, including ICE, Local, State and Federal records including the status of "Brady." If the QNP/P transaction indicates a III hit, the operator will have to run a QMH with the Purpose Code F to receive the details of the record and using the NICS number, determine if the record belongs to the person applying for the concealed carry permit. If your agency is only using the QMH/F transactions, you are not accessing the disqualifying information. This is not a criminal investigation, so the Purpose Code C with the QMH is not appropriate. The QMH transaction with the Purpose Code F is also the correct transaction when checking criminal history for releasing firearms from evidence or pawnshops.

### **Missouri / CJIS Dissemination Policy Regarding Criminal Record Checks During Criminal Justice Proceedings For Witnesses, Jurors, and Victims**

#### **Criminal Record Checks processed for Public Defenders**

Missouri statute, 600.096 RSMo, allows the central repository to process criminal record checks on an individual represented by the state public defender system. No fee is charged for this service.

Request for a criminal record check on an individual represented by the state public defender system should be directed to the Missouri State Highway Patrol, Criminal Records and Identification Division (573) 526-6153. A criminal record check will be conducted based on the personal identifiers (name, date of birth, and social security number) of the individual. A criminal record processed based on the personal identifiers will produce open record information only.

*A joint publication of the Communications, Information Systems, and  
Criminal Records and Identification Divisions of the Missouri State Highway Patrol*

## **Criminal Record Checks Processed for Defense Attorneys**

Policy developed by the FBI, the CJIS Policy Board, the Compact Council and Title 28, Code of Federal Regulations, Part 20, restricts the use of criminal history data to criminal justice agencies for criminal justice purposes.

Criminal justice agencies authorized to receive information for criminal justice purposes include law enforcement agencies, courts, corrections, or a governmental agency that performs the administration of criminal justice as authorized by statute or executive order.

The administration of criminal justice as defined in 28 C.F.R. Section 20.3 (b) includes the: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation. Information should be used to assist arresting agencies, courts and correctional institutions in the apprehension, conviction and disposition of criminal offenders.

A criminal defense does not meet the definition of the administration of criminal justice according to FBI / CJIS; therefore a criminal history inquiry should not be processed by a MULES terminal agency when it is requested by the defense attorney.

A judge, or prosecuting attorney on behalf of the court, may make a request to a MULES Terminal Agency for a criminal history inquiry on a witness or victim of a criminal proceeding.

Supreme Court Rule 25.04 allows for this provision following a written request to the court from the defense attorney.

Supreme Court Rule 25.04 is applicable if the State Prosecuting Attorney is not in possession of the requested criminal history record at the time of discovery. If the state prosecutor were in possession of the requested criminal history information at the time of Discovery then Supreme Court Rule, Rule 25.03 (7) would apply. Supreme Court Rule, Rule 25.03 (7) allows for the defense attorney to obtain either state or federal criminal history information in the possession of a State Prosecuting Attorney at the time of Discovery.

Supreme Court Rule, Rule 25.03 (7) specifies the release of “Any record of prior **criminal convictions** of persons the state intends to call as witnesses at a hearing or the trial”.

Criminal record checks on prospective jurors may also be conducted to ensure a defendant in a criminal court proceeding has a fair trial. The correct purpose code for use when inquiring on jurors is Purpose Code “C”, used for the Administration of Criminal Justice. The reason field on the criminal history inquiry should indicate jury selection.

# TAC Corner



## Excerpt Taken From Section 3 of the TAC Handbook

### New Operator Checklist

1. Send in Security/Authorization form SHP-292 stating access level that operator will be. This form should be forwarded as soon as they are employed or begin MULES access. Refer to Section 4-Forms 292,290 and 292 for instructions on completing form shp-292.
2. Fingerprints. Refer Section 5-Fingerprints for procedures.
3. Provide new operator with a copy of Introduction to MULES (OJT Lesson Plans) and have the training operator go through it with him/her. **It is the responsibility of the T.A.C. to insure all terminal operators are trained according to the OJT lesson plan and are thoroughly familiar with its concepts before they attend the standard modular training cycle.**
4. Must have operators scheduled into MULES school within 6 months of employment. Refer Section 6-MSHP Training and Certification File for dates of upcoming classes.

***Note: The OJT Lesson Plan is available on the CJIS Launchpad under CJIS Documents, along with any forms referenced above.***

# UCR Uniform Crime Reporting

File with *Missouri Supplement to the UCR Handbook*

**Topics Addressed In This Edition:**

- Signature Block
- UCR Quality Assurance Reviews
- MIBRS Certification
- Hate Crime Reporting
- Clarifications of UCR Offense Definitions and Classification Matters
- STATE AGENCY ALERT: New Web-based 603 Report Form Moving To Production
- MIBRS Certified Agencies and Hate Crime Reporting
- Error in Numbering of Motor Vehicles Recovered in UCR Handbook (2004)
- Addition of None as Type of Weapon in UCR Handbook, NIBRS Edition (1992)
- Review of UCR Program’s Hate Crime Data Collection Aims to Improve Data Quality
- Another Error in the UCR Handbook

**Signature Block**

The blocks below should be initialed and dated by agency personnel responsible for UCR reporting before this document is filed with the *Missouri Supplement to the UCR Handbook* and the *UCR Handbook* publications. During the triennial UCR Quality Assurance Review (QAR) conducted at each agency, the signature block will be checked to verify the information was received and reviewed.


**UCR Quality Assurance Reviews**

Since the last *CJIS Newsletter*, the following agencies received letters of commendation from the Director of the Missouri State Highway Patrol’s Criminal Records & Identification Division for outstanding performance and findings (100%) upon completion of their Missouri UCR Quality Assurance Review:

Piedmont Police Department  
 Fulton Police Department  
 St. Mary’s Police Department  
 St. Clair Police Department  
 Hannibal Police Department

Springfield Police Department  
 Kennett Police Department  
 Carthage Police Department  
 Conway Police Department

Since the last *CJIS Newsletter*, the following agencies received a compliance rating in the 90 to 99% range upon completion of their Missouri UCR Quality Assurance Review. While these agencies did not receive the Director's letter, they deserve special recognition for a job well done:

Perry Police Department	Cole Camp Police Department
Leadwood Police Department	Greenfield Police Department
Clinton Police Department	La Grange Police Department
Advance Police Department	Charlack Police Department
Taney County Sheriff's Department	Braymer Police Department
Olivette Police Department	Lake Ozark Police Department
Woodson Terrace Police Department	Lincoln Police Department
Frontenac Police Department	Mo Gaming - Harrah's North KC
JASCO Metro Police Department	Callaway County Sheriff's Department
Jefferson County Sheriff's Department	Clay County Park Authority
Pevely Police Department	Shelbina Police Department
Leadington Police Department	Rock Hill Police Department
Marshall Police Department	Kearney Police Department
Morehouse Police Department	Ellington Police Department
Steele Police Department	Cuba Police Department
Lexington Police Department	Owensville Police Department
Pierce City Police Department	Leeton Police Department
Seneca Police Department	Chaffee Police Department
Jonesburg Police Department	Richmond Police Department
Moscow Mills Police Department	Dellwood Police Department
Southwest City Police Department	Lakeshire Police Department
Chariton County Sheriff's Department	Emma Police Department
Saline County Sheriff's Department	Blackburn Police Department

One third of all independently reporting law enforcement agencies are reviewed each year. The new audit cycle began on January 1, 2007 and will run through December 31, 2009.

### **MIBRS Certification**

Congratulations to the following agencies who are now Missouri Incident Based Reporting System (MIBRS) Certified:

Grain Valley Police Department	Wellington Police Department
Chillicothe Police Department	Corder Police Department
Emma Police Department	Merriam Woods Police Department
Blackburn Police Department	Bourbon Department of Public Safety
Alma Police Department	Bellflower Police Department

The following agencies are currently working toward MIBRS Certification:

Aurora Police Department	Kirkwood Police Department
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Gladstone Police Department  
St. Peters Police Department  
Henry County Sheriff's Office  
Laclede County Sheriff's Office  
Calverton Park Police Department  
Cleveland Police Department

Laurie Police Department  
Clinton Police Department  
Byrnes Mill Police Department  
Leadington Police Department  
Sturgeon Police Department  
Greene County Sheriff's Department

The Missouri UCR Program began MIBRS certification of agencies on February 1, 2006. There are several points to remember regarding MIBRS Certification:

- The transition to incident-based reporting is voluntary, not mandatory.
- Any agency choosing to convert from summary UCR reporting to incident-based reporting must first be certified to ensure the quality of their crime data.
- During the certification process, agencies will be required to submit summary UCR reports.
- Once certified by the state program, summary UCR reporting will no longer be required as the incident-based data received from that agency will be converted to summary by the state.
- Incident-based reporting requires a minimum of one submission file each month from each agency (in order to meet the statutory requirement for monthly reporting).
- Until the new web facility changes are moved to production, local agencies will need to write their submission files for certification compliance to disc or diskette. Before processing, discs will be virus scanned and file names will be reviewed to ensure appropriate formatting.
- Repository specifications for the submission files are available upon request or can be accessed via the UCR website "Downloads" link.
- Certification will require a 96% rate of accuracy each month for three consecutive months.
- Any agency failing to maintain the 96% rate of accuracy for three consecutive months will lose their certification and will be required to submit a summary UCR report each month until certification is reestablished.

More information on agency MIBRS certification is available upon request by contacting Laurie Crawford, CJIS Manager, at (573) 526-6278.

### **Hate Crime Reporting**

Hate Crime data for the fourth quarter of the year is due in January 2008. Hate Crime Incident Forms are available on request or can be downloaded from the Downloads page of the UCR website in PDF format. The UCR Website will eventually be modified to include an electronic form for submitting Hate Crime data as part of the monthly report packet submitted by agencies. At this time the anticipated date of release for the electronic form is around March 31, 2008. In the meantime, hard copy forms should be mailed or faxed to the UCR Program Office. Contact information for the office is located on the last page of your newsletter.

## Clarification of UCR Offense Definitions and Classification Matters

### **Property Classification for Cell Phones**

Questions frequently arise about how to properly classify stolen and recovered property items. One of the most common is how to report cellular telephones. The state program requested guidance from the FBI CJIS Division's training section on the proper reporting of cell phones for UCR. They responded that cell phones and any other type of two way communications devices, such as two way radios, should be reported in the "Miscellaneous" property category. Many agencies were reporting these in the "TV, Radio, Stereo" property category, which is incorrect. This category should be limited to items that only receive transmissions or play back previously recorded material. Please do not hesitate to call your regional trainer for help in classifying property that you are not sure how to report.

### **UCR Offense Classification Scenarios**

**Scenario #1:** An off duty officer hears someone breaking into vehicles in front of his house. He confronts a suspect and identifies himself as a police officer. The suspect points a gun at the officer as the suspect is jumping into the back seat of a waiting vehicle. The officer fires in self-defense and misses the suspect who pointed the gun but hits another person in the front seat of the escape vehicle. The unintended victim dies.

*This is a justifiable homicide (felon killed by police in the commission of a felony). Report both an aggravated assault firearm and justifiable homicide. The aggravated assault would be cleared by arrest.*

**Scenario #2:** Two officers are making a felony warrant arrest. The offender resists arrest and pushes one officer to the ground (Simple Assault - LEOKA). The other officer, while trying to physically subdue the offender, fires his electric taser and accidentally shoots himself and is injured.

*This should be reported as two simple assaults with two officers assaulted on a LEOKA form. The second officer's injuries were by his own actions and were not inflicted by the offender who was simply resisting arrest.*

**Scenario #3:** A man's car is impounded following a traffic stop. He appears at the impound yard the next day and speaks with the lot attendant, explaining that he needs documents located inside the car in order to get the car out of impound. The attendant escorts the man to the vehicle and permits him to retrieve the papers. While the man is collecting documents from the car, the attendant walks away, leaving the man with the vehicle unsupervised. The man produces a duplicate set of keys and drives the car off the impound lot.

*This is a fraud. The man intentionally misled the lot attendant for the purpose of gaining access to the vehicle to which he did not have rightful access at the time.*

### **STATE AGENCY ALERT: New Web-based 603 Report Form Moving To Production**

The Information Systems Division of the Missouri State Highway Patrol has developed a new web-based 603 Report form, available via the secure UCR web facility. The automated 603 Report form was

developed in an effort to streamline data submitted by state agencies to the UCR program, while enhancing the overall quality of data received.

In January 2008 the new automated form will move into production. Any reports or data prior to the 2008 calendar year will need to be submitted to the UCR program office in the old Excel format.

Before using this system, a designated point of contact (POC) will be responsible for submitting UCR data, and will need to register online in advance. State agency points of contact should use the link at the bottom of this article immediately after the first of the year to obtain a copy of the user manual along with registration instructions. For questions or assistance, please contact Chad Mengwasser, the Criminal History Specialist responsible for processing of these forms, at (573) 526-6279 or [chad.mengwasser@mshp.dps.mo.gov](mailto:chad.mengwasser@mshp.dps.mo.gov).

Note: The new web-based 603 Report is for use by state law enforcement officials only.

<http://ucr.mshp.dps.mo.gov/ucr/ucrhome.nsf/downloads?openview&Count=50>

### **MIBRS Agencies and Hate Crime Reporting**

Any MIBRS Certified agency in the state is not required to submit separate hate crime reports to the UCR Program. Monthly MIBRS submissions include bias motivation indicators, which collect all of the information required for hate crime reporting. That information is forwarded to the FBI each time the state submits a NIBRS submission.

### **Error in Numbering of Motor Vehicles Recovered in UCR Handbook (2004)**

It has recently come to the attention of the national UCR Program staff that there is an error in the numbering of the data entry codes for Total Locally Stolen Motor Vehicles Recovered and for Stolen in Other Jurisdictions and Recovered Locally on pages 93 and 129 of the *UCR Handbook* (2004). The error is in the Motor Vehicles Recovered portion of the Supplement to Return A as presented in the *Handbook*. In the *Handbook*, the data entry code for Total Locally Stolen Motor Vehicles Recovered is listed as 93, which is incorrect. The correct code is 90, as it appears on the Supplement to Return A form. In addition, the data entry code for Stolen in Other Jurisdictions and Recovered Locally is listed as 94, which is incorrect. The correct code is 93. The Supplement to Return A form itself is correct.

### **Addition of None as Type of Weapon in UCR Handbook, NIBRS Edition (1992)**

It has recently come to the attention of the national UCR Program staff that the option of “None” is missing from the Type Weapon/Force Involved as presented on page 40 of the *UCR Handbook, NIBRS Edition* (1992). The Robbery portion of the *Handbook* on pages 20-21 states that if an immediate “on-view” arrest proves that there was no weapon, the offense is classified as Robbery, but the weapon is reported as “None”. However, “None” was omitted from page 40 and may cause confusion for agencies. State UCR Program managers have been asked to remind local agencies that “None” is an option regarding the type of weapon; agencies should write “None” in the list of weapons presented on page 40.

### **Review of UCR Program's Hate Crime Data Collection Aims to Improve Data Quality**

The national UCR Program staff has formed an ad hoc Hate Crime Working Group (HCWG) comprised of representatives from the various units within the national UCR Program. The team's mission is to improve the administration of the program as well as its efficiency and effectiveness. As such, the team's objectives are to evaluate the current Hate Crime program, identify any shortcomings, explore various opportunities for program enhancement, and provide recommendations for consideration.

Because the FBI administers its programs under the shared-management concept, the HCWG is consulting various members of the UCR community to gain insight on their unique perspectives with regard to submitting and using hate crime data. Throughout the review process, the HCWG will also consult with contributing law enforcement agencies, the Association of State UCR Programs, and the criminal justice community. The national UCR Program staff encourages constructive comments from contributing agencies on data collection strategies that work for their particular agency or requests for clarification of terminology that would assist the agency in submitting better hate crime data. Agencies may direct their comments to Ms. Mary P. Reese of the CSMU by telephone at (304) 625-3528, via e-mail at <mareese@leo.gov>, or by facsimile at (304) 625-3566.

### **Another Error in the UCR Handbook**

It has recently come to the attention of the national UCR Program staff that there is an error on page 139 of the *UCR Handbook* (2004). The last sentence of the second paragraph of Chapter VI, Part II offenses, states, “(The numbers next to the offense classifications correspond to the numbers on the ASR form.)” This is an incorrect statement and should be removed.

State UCR Program managers with questions should contact Ms. Nancy E. Carnes in the CSMU at (304) 625-2995 or via e-mail at <ncarnes@leo.gov>.

**Questions or comments regarding this publication may be addressed to:**

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