



THE **CJIS** NEWSLETTER

Criminal Justice Information Services

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 operators and other appropriate personnel may initial and date after reviewing the materials as required. Please ensure that all affected personnel 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

Bob Mouser (573) 526-6102 email: robert.mouser@mshp.dps.mo.gov

Information Systems Division

HELP DESK 1-800-877-2897 email: isdhelp@mshp.dps.mo.gov

Criminal Records and Identification Division

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

Access Integrity Unit (573) 526-6257

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.

2007 MOAPCO-MULES-CJIS CONFERENCE

From September 16 - 19, 2007 the Capitol Plaza Hotel in Jefferson City was filled with Public-Safety Telecommunicators and MULES/CJIS Operators from around the state. The 2007 MoAPCO - MULES/CJIS Conference gave training opportunities in CJIS, Telecommunicator and Management/Technical tracks. This year FBI CJIS trainer David Bossard joined the conference giving



Missouri State Highway Patrol

training in CJIS overview, identity theft, offline searches and the violent gang and terrorist file. Trainers and auditors from the Patrol’s Criminal Records and Identification Division gave training in NICS, MIBRS & hate crimes, domestic violence incident reporting and audits. The popular Q&A session returned with an expanded session for TAC related issues followed by a general Q&A session. The Patrol’s Communications Division provided a 6-hour telecommunications track in Weapons of Mass Destruction. The vendor hall was overflowing with the latest telecommunications equipment. The theme of this year’s conference was “It’s a Really Sweet Deal!” and sweet it was. Conference attendees had several opportunities to indulge themselves including entertainment provided by Willie Wonka (aka: George Major, Webster County 911) and his Umpa Loompa’s (aka: Robin Tieman, Cass County 911 and Dawnda Pentlin and Barb Graham, MSHP). Attendees were also treated to a “shopalooza” in downtown Jefferson City. Butch Wax & The Hollywoods returned this year providing post-banquet entertainment. Due to the 2008 national APCO conference in Kansas City, the next state conference will be held in 2009.



Criminal History Specialist Carol Otto and UCR Trainer/Auditor Pat Hatchett man the CRID Information Booth



Recognize this Umpa Loompa?



Dancing to Butch Wax & the Hollywoods



UCR Trainer/Auditor Kyle Comer does his best Alex Tribek impersonation during CJIS Jeopardy

MULES

Missouri Uniform Law Enforcement System

File with MULES/NCIC Operations Manual

Topics Addressed In This Edition:

- Signature Block
 - MoAPCO Classes Announced
 - TAC Corner - Illegal Alien Query (IAQ)
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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.

MoAPCO Classes Announced

The Missouri Professional Training Partnership has announced the schedule for APCO PST1 Classes for the remainder of 2007 as follows:

- October 22-26, Troop F, Jefferson City Police Department
- October 29-November 2, Troop D, Troop Headquarters, Springfield

Additional information and a direct link to register for classes are available at the MoAPCO web site: www.moapco.org. Questions can also be directed to your local troop trainer or by contacting MoAPCO direct at:

Missouri APCO
PO Box 332
Marshfield, Missouri 65706
Phone 417-859-4108

TAC Corner



Illegal Alien Query (IAQ)

August 4, 2007 three Newark, NJ college students were murdered and one seriously injured when they were shot execution style. Four suspects were arrested, one of which was in the country illegally and had been previously arrested and released on a rape charge. Had that person been identified as an illegal immigrant when he was originally arrested the murders may have been prevented. In an August 27, 2007 press release Governor Matt Blunt highlighted this case stating “We cannot be complacent about illegal immigration...We must be proactive to protect Missourians from harm and help prevent what happened in New Jersey from happening in Missouri.”

NLETS provides you access to a tool in verifying immigration status. This tool is called the Illegal Alien Query or IAQ. The IAQ is a NLETS direct transaction that sends information about a person suspected of being a foreign national AND under lawful investigation OR under arrest to the Law Enforcement Support Center or LESC. The LESC, operated by U.S. Immigrations and Customs Enforcement, has a purpose to “provide timely information on aliens suspected of criminal activity and status information on aliens under arrest” (NLETS User & Technical Guide).

MULES users may access the IAQ by typing IAQ in the fast transaction line or from the MULES/3 directory taking Action 5-All Other, 3-NLET Directs and 15-Illegal Alien Inquiry. Required fields for an IAQ are ORI (of requesting agency), PURPOSE CODE (C or F), ATTENTION, REASON, PHONE NUMBER (of requesting agency), NAME OF SUBJECT, DOB, SEX, PLACE OF BIRTH (non-US), If subject is in CUSTODY (Y or N) and NCIC OFFENSE code the person is under arrest or investigation for. The LESC encourages the use of most appropriate NCIC offense code. The LESC also allows use of code 0399, Immigration, when conducting a query in furtherance of lawful investigative detention or general investigations. Fifteen optional fields follow allowing a more specific search. One of the optional fields, Alien Registration Number, is a key ICE file identifier and should be used if known. The final field, REMARKS, should include further description of the offense and any other information that might be of interest to ICE.

The IAQ is received at the LESC and manual searches of NCIC, III and eight ICE service databases are conducted. When the manual searches are complete the LESC sends the response to the printer of the terminal agency making the inquiry and to the local ICE office. Information received from LESC may advise that the subject has been previously deported, appears to be in the U.S. legally or illegally, is wanted by ICE for removal or appears to be deportable but not currently wanted. The LESC reports that from October 1, 2006 to September 9, 2007 there were 4,505 IAQ transactions from Missouri agencies. During that same period over 600 LESC detainees were placed on subjects incarcerated in Missouri. Despite those numbers NLETS reports that nationally IAQ’s make up less than 1/10th of 1% of queries across NLETS. Operators are encouraged to become familiar with this transaction and make this critical information available to officers. Questions should be directed to your troop MULES trainer.

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
- Annual Count of Full-time Law Enforcement Employees
- Clarifications from the National Program

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. Initialing the signature block will indicate whether a particular person has reviewed the content. During the triennial UCR Quality Assurance Review (QAR) conducted at each agency, the signature block will be checked to verify the information was received by agency points of contact.

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:

Higginsville Police Department
 Ballwin Police Department
 Dent County Sheriff’s Office
 Forsyth Police Department
 Monett Police Department
 Weston Police Department

Barton County Sheriff’s Office
 Drexel Police Department
 Warren County Sheriff’s Office
 Oak Grove Police Department
 Platte County Drug Task Force

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:

Elsberry Police Department
Hawk Point Police Department
Ste. Genevieve Police Department
Polo Police Department
Creve Coeur Police Department
Holt County Sheriff's Office
Lake Winnebago Police Department
Clinton County Sheriff's Office
Truman State University DPS
Dade County Sheriff's Office
Huntsville Police Department
Johnson County Sheriff's Office
Cape Girardeau Police Department

Marble Hill Police Department
Mo Gaming Commission Ameristar - KC
Billings Police Department
Butler Police Department
Mound City Police Department
Fordland Police Department
Benton County Sheriff's Office
Laurie Police Department
Versailles Police Department
Tarkio Police Department
Ironton Police Department
Velda City Police Department
Breckenridge Hills 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
Chillicothe Police Department
Center Police Department
Emma Police Department
Blackburn Police Department

Alma Police Department
Wellington Police Department
Corder Police Department
Merriam Woods Police Department
Bourbon Department of Public Safety

The following agencies are currently working toward MIBRS Certification:

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

Bellflower Police Department
Calverton Park Police Department
Cleveland Police Department
Laurie Police Department
Clinton Police Department

The Missouri UCR Program began MIBRS certification of local, county, and state law enforcement 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 populate the summary repository.
- 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 third quarter of the year is due in October 2007. 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. In the meantime, hard copy forms should be mailed or faxed to the UCR Program Office at the address on the last page of your newsletter.

Annual Count of Full Time Law Enforcement Employees

This is just a reminder that your annual count of full-time law enforcement employees is due with your October report submission (the October report that is due by November 28th). The FBI deadline for submission of this data is in December, so please ensure that your October report is timely so that the information can be processed and submitted by the national deadline.

Clarification of UCR Offense Definitions and Classification Matters

In the course of training, answering policy questions, and conducting Quality Assurance Reviews, the staff of the FBI’s UCR Program has noted conflicting interpretations of a few offense definitions and classification matters. These conflicts have led to inconsistencies among data submissions for law enforcement agencies that submit data via the Summary reporting system as well as those agencies that submit data via the National Incident-Based Reporting System (NIBRS). The following presents clarifications and resolutions to five such issues.

Issue # 1: Clarification of the Summary Definition of Theft From Buildings, a Subcategory of Larceny-theft

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

There is some discrepancy over the interpretation of the Summary definition of Theft from Buildings. That definition, as it appears in the most current handbook, follows:

Theft From Buildings (6Xg)

Definition: A theft from within a building that is open to the general public *and* where the offender has legal access. (Emphasis added.) (*UCR Handbook* [2004], page 34.)

The discrepancy exists over the word *and*. Some law enforcement personnel who literally interpret this definition feel that Summary agencies should ensure that *both* circumstances should be met before classifying an offense in this subcategory of Larceny. However, many law enforcement personnel who score UCR assert that *either* circumstance qualifies as an offense for this subcategory and that the word *and* is indicative of the definition having two alternatives, i.e., Theft From Building can be this, and it can also be that.

Though the language explaining Theft From Buildings changed somewhat between 1966 and 1979, the original intent of the Summary definition was to capture those offenses in which *either* circumstance (open to public or legal access) occurred. Therefore, law enforcement agencies should classify all offenses that meet *either* of the criteria in the definition as Theft From Buildings.

Issue # 2: Clarification of the Definition of Resident in NIBRS Data Elements 30 and 51, Resident Status (of Victim and Arrestee, respectively)

Though NIBRS Data Elements 30 and 51 are optional data elements, they are not always properly reported. Some law enforcement agencies have software that automatically defaults to the value of Nonresident whether or not the agency uses the data element, and other agencies erroneously report the status due to confusion over whether certain individuals should be counted as residents of their jurisdiction.

The intended use of the data elements that capture resident status is to assist law enforcement agencies in identifying whether the individuals involved in an incident are residents of their specific jurisdiction; they have no correlation to U.S. citizenship. These data elements enable agencies that have a high transient population to show that their population at risk is actually higher than their official resident population. When determining residential status, law enforcement should consider that “jurisdictional guidelines . . . provide for ‘most local’ reporting, i.e., whenever possible, the local law enforcement agency of the geographical area in which the crime occurred reports the offense.” (*UCR Handbook*, NIBRS edition [1992], page 9.)

Further, page 93 of NIBRS Volume 1: *Data Collection Guidelines* (August 2000), states:

A Resident is a person who maintains his/her permanent home for legal purposes in the locality (town, city, or community) where the crime took place. Concerning university/college campuses, only persons living on campus (in dormitories, etc.) would be considered residents if victimized within the confines of the school property; the crime should be reported by a campus law enforcement agency.

Note: Reporting agencies should base their determinations of residency on the town, city, or community where the crime occurred rather than their broader geographical jurisdictions.

The FBI requests all law enforcement agencies that submit data elements 30 and 51, whether through system default or intentional use, be more vigilant in reporting the correct resident status of victims and arrestees.

Issue # 3: A Clarification Regarding the Reporting of Arson-related Deaths of Police Officers and Firefighters

An inconsistency exists between the 1984 and 2004 editions of the *UCR Handbook* with regard to reporting the arson-related deaths of firefighters and police officers.

The 1984 edition of the *UCR Handbook* states that “Arson-related deaths and injuries of police officers and firefighters, *unless willful murders or assaults*, are excluded from the Program due to the hazardous nature of their professions.” (Emphasis added.) (Page 30.)

However, page 74 of the 2004 edition of the *Handbook* states:

Because of the hazardous nature of the professions of police officers and firefighters, arson-related deaths and injuries of these individuals are excluded from the *Return A* and *SHR* but law enforcement officer deaths and injuries should be reported on the appropriate [Law Enforcement Officers Killed or Assaulted] *LEOKA* forms (see pages 109-111).

Program representatives note that the 1984 edition of the *Handbook* was incorrect in stating that arson-related deaths and injuries of police officers and firefighters are excluded from the Program. The 2004 edition rectifies the issue by instructing law enforcement to report the line-of-duty deaths of law enforcement officers via forms discussed in the *LEOKA* section of the *Handbook*. The 2004 edition also addresses the issue on page 39: “Incidents in which persons are killed as a direct result of arson are classified as both criminal homicides and arson. Similarly, the number of persons severely injured during an arson must be reported as aggravated assaults along with the arson.”

The FBI requests that all law enforcement agencies be vigilant in reporting the arson-related deaths of law enforcement officers on the appropriate forms.

Issue # 4: Contradiction in the Classification of Burglary versus Vandalism

The last sentence of the paragraph that discusses burglary and vandalism on page 29 of the *UCR Handbook* (2004) contradicts information previously provided:

Thefts from automobiles, whether locked or not; shoplifting from commercial establishments; and thefts from telephone booths, coin boxes, or coin-operated machines are all classified as larceny-theft offenses. If the area entered was one of open access, thefts from the area would not involve an unlawful trespass and would be classified as larceny-theft. A forcible entry or unlawful entry in which no theft or felony occurs but acts of vandalism, malicious mischief, etc. are committed is not classified as a burglary

provided investigation clearly established that the unlawful entry was for a purpose other than to commit a felony or theft. (For information about vandalism as a Part II offense, see page 141.) *Of course, if the offender unlawfully entered the structure, a multiple offense exists and the agency must classify the offense as a burglary.* (Emphasis added.)

Because of the apparent contradiction, the FBI is asking law enforcement agencies to strike the last sentence, which is italicized above.

Issue # 5: Clarification Regarding the Definition of Forcible Rape in the Summary system and the NIBRS

It is well known that the NIBRS definition of Forcible Rape allows for the possibility of a male victim and a female offender, which is not permissible in the Summary system. However, there are additional, albeit subtle, differences in reporting forcible rape between the NIBRS and Summary system as well.

In the Summary system, forcible rape is defined as “The carnal knowledge of a female forcibly *and* against her will.” (Emphasis added) (*UCR Handbook* [2004], page 19.) In the NIBRS, forcible rape is defined as “The carnal knowledge of a person, forcibly *and/or* against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.” (Emphasis added) (NIBRS Volume 1: *Data Collection Guidelines* [August 2000], page 33.)

The discrepancy exists with the *and/or* wording of the NIBRS definition. Literal interpretations of the definitions indicate that Summary agencies should ensure that *both* circumstances should be met before classifying an offense as a Forcible Rape and NIBRS agencies need only *one* circumstance to meet the classification. However, the national Program staff do not discern a substantive difference between the two definitions outside of gender; the change in language reflects a clarification of the intent of the collection of this offense rather than a modification. There is not a substantive difference between the Summary and NIBRS definitions on this particular point, i.e., in either system, the carnal knowledge is obtained forcibly *and/or* against the respective victim’s will.

The FBI requests that all law enforcement agencies, whether the agencies submit data via the Summary system or the NIBRS, report forcible rapes as appropriate.

Questions or comments regarding this publication may be addressed to:

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