

THE CJIS NEWSLETTER



Criminal Justice Information Services

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

Information and Communication Technology Division

Call Center
1-800-877-2897
Email:
isdhelp@mshp.dps.mo.gov

Criminal Justice Information Services Division

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

Access Integrity Unit
(573) 526-6141

CJIS Training Unit
(573) 526-6141

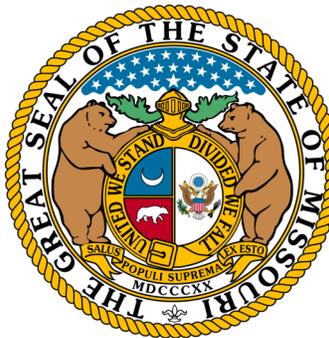
CJISAudit Unit
(573) 526-6278

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

If you have a change in contact information, please contact the UCR Unit at the phone number listed above or CJISNews@mshp.dps.mo.gov

CJIS Newsletter Instructions

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*. 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.

Mailbox Available for CJIS Newsletter Articles or Inquiries

Any Missouri criminal justice agencies that wish to submit content to the CJIS Newsletter (no editorials or commercial materials please) for distribution to the Missouri law enforcement community, please feel free to do so by emailing articles to CJISNews@mshp.dps.mo.gov. Content will be subject to approval.

Additionally, please feel free to submit any questions or comments regarding the content of the CJIS Newsletter to CJISNews@mshp.dps.mo.gov or 573-526-6278.

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 and REJIS users.

<u>MoDEX Counter:</u>	Number of Agencies Registered:	170
	Number of Users Registered:	1,212
	Number of Agencies Sharing Data:	102

For more information: <http://dps.mo.gov/dir/programs/ohs/modex>

STRANGE... BUT TRUE Missouri Statute of the Month!

10.120 - State folk dance.

1. As used in this section, the term "square dance" means an American folk dance which is called, cued or prompted to the dancers and includes square, rounds, clogging, contra, line and heritage dances.



2. The dance commonly known and referred to as the "Square Dance" is selected for and shall be known as the "American Folk Dance of the State of Missouri".

MoDEX Success Story—MIAC

An intelligence analyst with the Missouri Information Analysis Center (MIAC) had a "success" story to share regarding MoDEX:

“Last week, my investigator requested address information regarding a suspect. The street intel was that the suspect lived somewhere in Springfield recently. Visiting both Accurant (Lexis-Nexis) and CLEAR, I could NOT find any reference to a Springfield address. Not even close.

But then I checked MoDEX, and found an arrest record for the suspect where he listed a Springfield address and telephone.

It was much appreciated by my officers, and was NOT available via the standard databases we rely on.”



FBI Fingerprint Fee Change

Effective March 19, 2012, the **FBI or federal fee** for a fingerprint-based criminal history record check processed through the Missouri State Highway Patrol for an authorized purpose (i.e., conceal and carry permit, law-enforcement contractor, city licensing/employment under 43.535 RSMo., etc.) was lowered to \$16.50 per applicant or \$15.00 if the applicant is a volunteer.

Please contact the CJIS Division at 573-526-6153 or mshpcrid@mshp.dps.mo.gov with any questions.



MSHP Consolidation of Latent Resources

In the interest of streamlining the latent services provided to fellow law enforcement agencies by the Missouri State Highway Patrol, the Patrol initiated a transition to consolidate its latent resources to the MSHP Crime Laboratory Division (Crime Lab) on February 1, 2012. This consolidation included the reassignment of the latent component within the CJIS Division's AFIS Unit to the Latent Unit within the MSHP Crime Lab.

Therefore, effective February 1, 2012, all latent cases with accompanying AFIS search requests should be forwarded to:

**Missouri State Highway Patrol
Crime Laboratory Division - AFIS Entry
Attn: LET Section
1510 East Elm Street
Jefferson City, MO 65101**

Please be advised that for evidence submissions to the Crime Lab, a Laboratory Analysis Request (LAR) form must be completed. This form is located on the Patrol's website. Questions regarding this form, evidence submissions to the Crime Lab, or requests for other latent services should be directed to Ms. Stephany Louk-Denney, Criminalist Supervisor, MSHP Crime Laboratory Latent Print Unit, by e-mail at Stephany.Louk-Denney@mshp.dps.mo.gov or by telephone at (573) 526-6134, Extension 2510.

If you have further questions regarding this matter, please contact Ms. Holly Haarmann, Senior CJIS Manager, CJIS Biometrics Services Section, by e-mail at Holly.Haarmann@mshp.dps.mo.gov or by telephone at (573) 526-6264.

Upcoming Changes to Gun Regulations for “Aliens” in United States



Since 1998, the Gun Control Act of 1968 (GCA) has prohibited any “alien” who has been admitted into the United States under a nonimmigrant visa from receiving or possessing a firearm that has a connection to interstate commerce. (18 U.S.C. §922(g)(5) (B)) In an interim final regulation published in 2002, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) interpreted this provision to cover all “nonimmigrant aliens,” regardless of whether or not the alien required a visa in order to be admitted into the United States. The U.S. Department of Justice’s Office of Legal Counsel (OLC) recently

determined the statutory prohibition described above applies only to aliens admitted into the United States with nonimmigrant visas, rather than all nonimmigrant aliens in the United States. Some nonimmigrant aliens, including most Canadian visitors, as well as aliens admitted under the Visa Waiver program, are allowed to be present in the United States without a nonimmigrant visa. Those aliens, and others who are lawfully in the country without a visa, are not within the scope of the GCA prohibition. This interpretation of the scope of persons prohibited by the GCA extends to transfers of firearms by sellers, including Federal Firearms Licensees (FFL).



In addition, the OLC has also concluded that, as a matter of law, applying a more stringent state residency requirement for aliens legally present in the United States than for U.S. citizens is incompatible with the language of the GCA. As a result, the ATF will be revising the regulations in Title 27, Code of Federal Regulations, Section 478 to conform to the OLC’s conclusions by removing the separate 90-day residency requirement for aliens. Once the regulations have been revised, both U.S. citizens and aliens legally present in the United States will be subject to the same requirements for state residency and proof of residency.



The ATF is in the process of amending its regulations to conform to the OLC’s determinations previously mentioned. The process of amending the relevant regulations will be completed as expeditiously as possible. Until that process is complete, the current regulations have the force of law.

More information on the aforementioned opinions can be located at:

<http://www.justice.gov/olc/2011/nonimmigrant-firearms-opinion.pdf>

<http://www.atf.gov/press/releases/2011/12/120811-open-letter-firearms-non-immigrant-alien-provisions.pdf>

MULES

Missouri Uniform Law Enforcement System



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File with MULES/NCIC Operations Manual

Upcoming FBI NCIC Audit of the State of Missouri

The FBI will be conducting their triennial NCIC audit of the State of Missouri during **August 6 - 10, 2012**. The FBI CJIS Division will select 10 -15 criminal justice agencies statewide (MULES and REJIS) and 3 FBI teams will conduct on-site audits of the MSHP and each designated agency. Agencies selected to participate in the state audit will be informed via letters from the FBI.

Identical to a MSHP CJIS Policy Compliance Review, the FBI will be checking for operator background checks, operator training certification, User Agency Agreements, TAC/LASO letters, entry/validation/packing/timeliness/validity of records, hit confirmation procedures, storage/disposal/dissemination of criminal history record information, reasons/purpose codes/requestors of criminal history transactions, and any misuse of the system.

DNA on Warrant Entries

Currently in MULES 4, DNA Information is not able to be added to a warrant entry. A fix is in the works for this information to be added automatically when a Missouri SID number is added to a warrant entry. A release date for this fix is not available at this time, but a message will be sent out over MULES and a reminder will be added to the CJIS Newsletter when applicable.

New FBI Policy Pertaining to the Submission of Applicant Fingerprints for Criminal Justice Employment Purposes

It has always been the policy that if an applicant submission was submitted to the FBI as a record type U (Criminal Justice), no billing would be incurred by the submitting agency - even if the Reason Fingerprinted specified anything other than "Law Enforcement Employment." This is no longer the case. Effective immediately, the FBI has implemented the policy that if an applicant submission is received as a Record Type U and the Reason Fingerprinted field contains anything other than "Law Enforcement Employment" or "Criminal Justice Employment" they will reject the applicant submission prior to processing, at no charge. If, by chance, the submission is not rejected and is processed by the FBI, the submitting agency will now be billed the full FBI fee for these submissions.



Revoked Dealer Plates

When a dealer plate shows revoked, the MULES Operator must look at two spots to verify that the plate is still revoked. The operator will need to look at the Violation Date and Release Description. The Violation Date will be the date the Violation occurred that caused the dealer tag to become revoked. The release description will show the date the dealer plate will be reinstated and can be used. The Department of Revenue will not remove the word REVOKED from the license plate return. Please see example below:



FROM-REVENUE DATE: 03/23/2012 TIME: 14:04:01 DEST TERM: WCO0FOX1
DOR.GR81D4750.0.99
***R14 - DEALER LICENSE DEALER IS:REVOKED**
DEALER NMBR:D4705 DEALER TYPE:MOTOR VEHICLE NMBR PLATES:005 EXPIRES:12
DEALER NAME:PEIRCE MOTORS INC
DEALER ADDR:300 N CENTER NEVADA MO 64772 COUNTY:VERN
OWNER-NAME: PEIRCE SHANNON TELEPHONE:417-555-5309
REGIST DT:121411 TYP OWNR:CORPORATION LAST UPDT:000000
VIOL DATE:101600 REL DESC:REVOKED UNTIL 111500
TYPE SALES:USED MOTOR VEHICLE
BUS TYPE:MV DEALER

Please contact your Troop Trainer with any questions.

Checking (& Rechecking) MULES and NCIC When Clearing/Canceling a Record

When clearing or canceling any entry in MULES or NCIC, it is always a good idea to check MULES and NCIC to make sure the entry is removed. Checking the information on persons, vehicles or articles when an entry is cleared or cancelled helps maintain system and data integrity. If the entry has cleared out of one system and not the other, the entry could be treated as active. This could lead to the arrest, apprehension, or detention of persons or possible seizure of items that are no longer wanted or stolen.

Run each person, vehicle, or article as if you were making an original inquiry in MULES and NCIC for wants or warrants. If the entry is of a wanted or missing person, check MULES and NCIC by inquiring on the name and DOB to see if your entry is removed. Stolen items can be rechecked by the serial and/or owner applied numbers. Inquiring for wants and/or warrants after clearing or cancelling an entry will help reduce liability for you and your department. If a record still exists in one system and not the other, please contact your local CJIS Instructor for details and to let us know there is a problem.

Procedures for Fingerprinting and Coding of Criminal Charges on Warrant Arrests for 'Failure to Appear'

To ensure statewide consistency with the submission of criminal fingerprint charges, the central repository has revised the method for entering arrest information for Livescan submissions stemming from a warrant arrest issued as a result of an individual who fails to appear on a previous charge.

The Missouri Charge Code for failure to appear is often misused when associated with warrant arrests. If the correct procedure is not followed with electronic fingerprint submissions from Livescan devices, incorrect arrest data will automatically be entered into the criminal history database by the submitting agency.

If a defendant fails to appear for a court appearance, either from a summons or an arrest for a specific charge, the judge will ask the prosecuting attorney if they are requesting a warrant. If the prosecutor would like the defendant to appear on the original charges, the judge issues a *capias* warrant for failure to appear.

Since this action occurred on the judge's authority and a prosecutor cannot charge orally, the warrant for failure to appear is not a new charge. The only pending criminal action is associated with the original charge and the defendant can only be held responsible for that charge. Therefore, the charge code for the original offense must be provided on the fingerprint card. Failure to Appear (FTA) must be noted in the comment field along with the warrant number.

The original charge information should be obtained by the arresting agency during the application of the warrant. This information is usually available in the miscellaneous field of the MULES warrant entry or may be obtained from the original warrant by contacting the law enforcement agency that entered the warrant, when verification of the warrant is determined.

The specific charge code for failure to appear should only be used when the prosecutor has filed a formal, written complaint for the specific charge of failure to appear. Since municipal prosecutors tend to formally charge an individual with failing to appear more often than at the state level, extra caution should be given to determine the correct charge when processing municipal offenses.

The approach an agency uses to process a warrant arrest for failure to appear should be the same as the method for processing any other warrant arrest. Once the need for fingerprinting has been determined, the charge information contained on the fingerprint card from a warrant arrest should indicate the original charge and charge information. The warrant number and the original Offense Cycle Number (if available) should be listed in the comment section of the fingerprint card.

...continued

Procedures for Fingerprinting and Coding of Criminal Charges on Warrant Arrests for 'Failure to Appear' (CONTINUED)

When a law enforcement official arrests a subject based on a warrant, a determination will need to be made by the arresting agency on whether or not fingerprints should be sent to the central repository and if the corresponding prosecutor and court actions should be forwarded to the appropriate entity. This decision is determined by who issued or requested the warrant, the type of warrant issued and whether or not fingerprints were previously taken for the original offense.

If your department originally requested the warrant and fingerprints were previously taken, it is not necessary for the subject to be fingerprinted again. When the prosecuting attorney takes action, they will utilize the Offense Cycle Number from the fingerprint card taken at the time of the initial arrest. If your agency chooses to print the subject when processing the failure to appear warrant, the charge information contained on the fingerprint card should identify the original charge and charge information. The comment field must indicate failure to appear (FTA) and the warrant number. The prosecutor and court copy of the fingerprint card should be destroyed. If the fingerprint card is not processed in this manner a duplicate set of arrest data could be created in the criminal history system resulting in a false set of arrest information, ultimately causing problems for all users of the system.

If your department originally requested the warrant and fingerprints have not been taken, either as a result of a summons being issued originally or failure to print during the initial booking process, it is necessary for fingerprints to be taken for the original charge. The prosecutor and court actions should be forwarded to the appropriate criminal justice agency.

If your agency was not the originating agency of the warrant, fingerprinting is optional. If the subject is not printed by your agency, it will not adversely effect the criminal history system since the originating agency of the warrant has the responsibility of ensuring a criminal record has been established for the original offense.

If your agency chooses to print the subject, then the disposition field on the state fingerprint card must indicate "Turned over To" along with the name of the arresting agency. By indicating "Turned over To" in the disposition field, a detailed RAP sheet will be produced without creating duplication or false arrest information in the offender's criminal history. The prosecutor and court copies of the state criminal card should be destroyed since the case will be prosecuted through the originating agency.

The accuracy and completeness of Missouri's Criminal History Record System requires cooperation from all reporting agencies and is reliant on the submission of timely and accurate data being forwarded to the central repository. To assist agencies with the processing of criminal fingerprint cards, the Central Repository has undertaken several initiatives that include enhancements to the criminal history database and the provision of training or technical assistance on the criminal history reporting process.

For POST-certified training or technical assistance on the criminal history reporting process, contact the CJIS Division of the Missouri State Highway Patrol at (573) 526-6345.

Conducting RPO Transactions on Orders of Protection

Here is a scenario: An officer makes a traffic stop in St. Charles County, Missouri. Upon running a MULES/NCIC check of the vehicle occupants, the officer discovers that the driver of the vehicle is the respondent on an order of protection and the petitioner of the order lives right down the road. The officer returns to the vehicle and warns the driver that per the conditions of the order of protection he is to stay away from the residence of the petitioner. Fast forward a few hours later and a different officer from a different agency is called to the residence on a report of a disturbance. Upon arrival, the responding officer finds that the respondent of the order of protection is on-scene and causing a disturbance with the petitioner. When handling this incident and building a case for violation of the order the officer is aware of the order itself from a MULES /NCIC check. However, the officer is unaware of the warning issued to the respondent earlier that day by a different officer, a fact that can have implications in the outcome of the incident.

This scenario can be avoided by a MULES operator at the contacting agency completing a RPO transaction at the time of incident. The RPO can be completed by any law enforcement agency and immediately appends incident report information to the MULES entry. This allows any inquiring agency to quickly see which agencies have arrested, issued warnings or had other contact with the parties of the order of protection. The RPO requires the SHP #, Protection Order # on the order,; the ORI, Report # of the contacting agency and the date and time of the incident. Optional fields include the location of the incident and any relevant comments. While it is certainly not necessary or recommended to complete an RPO on every contact with the parties involved in the order, any incidents involving law enforcement action, warnings, or other pertinent information valuable to other agencies should be entered. Through the use of this tool and increased cooperation, the MULES/NCIC order of protection file can become more accurate and useful for all agencies involved.

The Story Behind Jake's Law (221.510 RSMo)

On February 8, 2000, 6-year-old Jake D. Robel was in his car seat while his mother left her vehicle idling and entered an Independence, MO sandwich shop. Witnesses reported hearing Jake scream for his mother when Kim L. Davis tried to shove the boy out the rear door during a carjacking. As Jake's mother ran outside and attempted to remove her son from the car, Jake become tangled in the seat belt as Davis sped away in her Chevrolet Blazer. The prosecution at Davis' trial for murder and kidnapping contended that Davis knew the child was caught, but proceeded to flee the scene at speeds as high as 80 mph for four miles before being stopped by shocked motorists.

Davis was released from county jail only a few hours before the carjacking, even though there was an existing warrant for his arrest from another county. The circumstances surrounding Jake's death led to the 2001 passage of new Missouri statute 221.510 RSMo, called Jake's Law, which requires MULES & NCIC warrant checks to be conducted by law enforcement and corrections officers on any inmate prior to their release from jail or prison.

Advanced Authentication - What is It?

Advanced Authentication (AA) is more than just user ids and passwords. Normally there are several authentication methods in computer systems. The most common is the use of a user id and password. This type of authentication is considered to be something a person "knows". Another form of authentication is the use of a token or smartcard. This type of authentication is something a person "has" in their possession. The final type of authentication is biometric. This type of authentication is considered something a person "is". Examples of this type of authentication are fingerprints, retinal patterns or face geometry. Therefore, the three categories for authentication are something you know, something you have and something you are. Advanced authentication can also be called 2-factor authentication or multi-factor authentication. The concept is to use a minimum of two of the categories listed above to provide the higher level of security. Most systems currently have the userid/password category, so to implement AA the system would need to use a different category.

Determining when advanced authentication is needed can be tricky. If the device is agency managed and is located in a secure location, with all the technical controls in place, then AA most likely will not be needed. If the device is outside of a secure location, then it is likely AA will be needed for accessing applications. For a more detailed explanation, the CJIS security policy version 5 has a flow chart for determining when AA is required. To summarize, AA can be setup in many different ways but the important point to remember is that your implementation must have two out of the three categories. Multiple passwords to gain access to a system does not meet the definition. As you begin to implement new equipment or upgrade existing equipment, remember that advanced authentication may be a requirement and updated documentation will be required so please contact the CJIS Security Unit, at 573-522-3899, with any questions.

New Missouri Legislation on Serving Orders of Protection

In August 2011 Missouri State Statute 455.038 was put into effect to include the language: *"The local law enforcement agency or any other government agency responsible for serving ex parte orders of protection shall enter service information into the Missouri uniform law enforcement system or future secure electronic databases that are intended for law enforcement use within twenty-four hours after the ex parte order is served on the respondent or shall notify the circuit clerk when no more service attempts are planned by that agency."*

This requirement can be met by a MULES operator at the serving agency completing a DPO transaction within twenty four hours after the order of protection is served. The affect that the DPO has on the record is two-fold. First, the service information is immediately appended to the record and thus available to any inquiring law enforcement agency on the MULES and/or NCIC network. Second, a notification is sent to the petitioner and/or protected party via the Missouri VINE (Victim Information and Notification Everyday) system informing them of the service or attempted service of the protection order. While the statute only requires the entry into MULES when the order is actually served it is recommended that agencies also complete a DPO following the initial service attempt to provide notification of the attempt to the victim. Due to the likelihood that a respondent may be made aware of the protection order after the first service attempt through word of mouth or observation, following this recommendation only further supports the overall intent of the law by giving the protected party a heads up that the respondent may be aware of the order. Also, entering the DPO after the initial attempt can reduce calls from the protected parties inquiring if the law enforcement agency has attempted to serve the order.

Further information regarding the entry and maintenance of orders of protection can be found in the MULES Policy and Procedure manual starting on page 70. Contact your Troop Trainer with further questions.

TAC Corner



Warrant Issues

The knowledge that a warrant exists, regardless of severity of charge or extradition limits, can be valuable information for the officer in contact with the subject of the warrant. This has been a concern particularly with agencies who utilize the REJIS system, or who formerly were on ALERT. Non-REJIS agencies, specifically those in proximity to the Kansas City and St. Louis metropolitan areas, have continued to express concern that there are active local warrants that they cannot see because the warrant is never forwarded to MULES and is only viewable by another REJIS agency. The Missouri CJIS Systems Officer (CSO) strongly believes that it is in the best interest of the Missouri law enforcement community for REJIS agencies to enter all local warrants into MULES.

Larger agencies or agencies that service multiple municipalities have historically been the hardest hit by record packing and validation requirements. Recognizing that the requirements for record packing and validation can be prohibitively time-intensive, the CSO modified the requirements for records that are warrants stemming from local/municipal ordinance violations.

Generally, record packing and validation requirements are specified by the FBI in the NCIC Operating Manual, and apply to any warrant that is sent from Missouri to NCIC. The CSO has adopted the same guidelines for felony and misdemeanor warrants in MULES. Because ordinance warrants are not sent to NCIC, the CSO has discretion in relaxing these requirements.

Record Packing

If the entering agency chooses, they may make the entry using only the minimum required fields. The minimum required fields are: Case ORI, Case Number, Name, Sex, Race, Height, Weight, Offense Code, Date of Warrant, Jurisdiction (L), Extradition Limits, Court ORI, and at least one numeric identifier (DOB or SOC).

All local ordinance warrants are to be entered with Jurisdiction code 'L'. Using 'L' activates the automatic edits and validation schedule.

It is still recommended that all available information be included in the entry. The relaxed requirements are intended to be used by agencies that would otherwise not be able to enter local warrants due to time constraints.

Validation

Misdemeanor and felony warrants are validated 90 days after the date of entry and then annually. Local ordinance warrants will be validated 60 days after entry, and then every 3 years thereafter. Since record packing is not required, validation for these records can be as simple as comparing them to a list of active warrants acquired from the court.

Audits

Warrants entered using Jurisdiction code 'L' are not eligible for review during a MULES audit. The audit only checks records for felonies and misdemeanors. Therefore, an agency eligible for this type of entry will not be affected during an audit due to a large volume of warrants.

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CRIME SCENE - DO NOT CROSS

EVIDENCE EVIDENCE EVIDENCE EVIDENCE EVIDENCE EVIDENCE EVIDENCE EVIDENCE

CRIME SCENE - DO NOT CROSS

POLICE LINE - DO NOT CROSS



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UCR

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Uniform Crime Reporting

File with *Missouri Supplement to the UCR Handbook*

Classifying Assaults Involving Personal Weapons for UCR

When classifying assaults where only personal weapons (hands, feet, fist etc.) are used, the agency must consider the severity of the injury to the victim. Just because the suspect strikes a victim with their fist, does not make the assault aggravated by hands, fist, and feet. To classify an assault by hands, fist, and feet as aggravated the victim must receive severe/aggravated injury that requires medical attention beyond first aid. The victim does not have to seek medical attention to qualify as an aggravated assault by hands, fist, and feet. Also, just because a victim seeks medical attention does not make the assault aggravated. Aggravated injury would include but not limited to, lacerations that require stitches, broken bones, loss of consciousness, loss of teeth, etc.

In an assault where the suspect has the intent to inflict severe or aggravated injury on the victim may qualify as an aggravated assault by hands, fist, and feet. For example, a suspect is choking the victim or banging the victim's head against an object, but the suspect is pulled off before severe injury is inflicted, could be an aggravated assault by hands, fist, and feet. If the suspect tries to spread a contagious disease by biting or through bodily fluids (spitting etc.) to the victim, this would be considered an aggravated assault by hands, fist, and feet (personal weapons).

Simple/Other Assaults are those assaults where only personal weapons are used and the victim does not receive injury that requires medical attention beyond first aid. These injuries would be but not limited to, bruises, black eye, bloody nose, etc. Again, just because a victim seeks medical attention does not automatically make it an aggravated assault by hands, fist, and feet.

In most cases, an agency will have more Simple/Other Assaults than Aggravated Assaults by hands, fist, and feet. If the agency does have more Aggravated Assaults than Simple/Other Assaults, the agency may wish to review those reports that generated the Aggravated Assaults to ensure they are classified and reported correctly for UCR. The FBI will normally ask for variances in Aggravated Assaults compared to Simple/Other Assaults. The agency needs to be prepared to accurately and clearly answer this question. One last thing, never consider the charges sought or charged when classifying an offense for UCR purposes. If an agency needs any assistance with this or other UCR issues, please contact your regional UCR trainer.

MIBRS Certification

The Missouri UCR Program Office would like to extend Congratulations to the following agencies, which are Missouri Incident Based Reporting System (MIBRS) Certified:

Grain Valley Police Department
Chillicothe Police Department
Emma Police Department
Blackburn Police Department
Alma Police Department
Wellington Police Department
Corder Police Department
Merriam Woods Police Department
Sturgeon Police Department
Oak Grove Police Department

Pilot Knob Police Department
Ste Genevieve County Sheriff's Office
St. Peters Police Department
Laclede County Sheriff's Office
Kansas City Police Department
Lake Lotawana Police Department
Joplin Police Department
Gladstone Police Department
Smithville Police Department
St. Charles Police 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.
- Repository specifications for the submission files are available upon request or can be accessed via the UCR website "Downloads" link.

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

New Human Trafficking & Purchasing Prostitution Offenses to Debut in 2013

Upon the passage of the *William Wilberforce Trafficking Victims Reauthorization Act of 2008*, the FBI National UCR Program was mandated to begin collecting and publishing data on human trafficking and additional sexual offenses in the U.S. The FBI CJIS Advisory Policy Board and FBI Director have approved the creation of the following 3 new UCR offenses to become reportable in 2013:

Human Trafficking/Commercial Sex Acts (MIBRS Offense Code 64a)

Human Trafficking/Involuntary Servitude (MIBRS Offense Code 64b)

Purchasing Prostitution (MIBRS Offense Code 40c).

The FBI will release new UCR Summary Age, Sex & Race of Arrestee (ASR) forms later this year to capture arrests for these new offenses. The MoUCR Website will be updated on February 1, 2013.

New UCR/MIBRS Race Categories

Beginning on January 1, 2013, the race categories for persons arrested in Summary-based UCR and victims and arrestees in MIBRS reporting will expand from four to five. "Asian and Pacific Islander" has been broken in to two separate races. These new races are: 1.) Asian and 2.) Native Hawaiian or Other Pacific Islander. For a definition of all races, see the race categories below. The FBI will produce new Summary-based arrest forms. Likewise, the MoUCR Program Office will change the web based arrest forms to include the new races. For MIBRS agencies, the new race specifications will be added to the MIBRS technical specification manual which is downloadable from on the UCR website. If you have any questions, please contact your regional UCR trainer.

Race Categories:

American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American: A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. (The term "Native Hawaiian" does not include individuals who are native to the state of Hawaii simply by virtue of being born there.) In addition to Native Hawaiians, Guamanians, and Samoans, this category would include the following Pacific Islander groups reported in the 1990 census: Carolinian, Fijian, Kosraean, Melanesian, Micronesian, Northern Mariana Islander, Palauan, Papua New Guinean, Ponapean (Pohnpelan), Polynesian, Solomon Islander, Tahitian, Tarawa Islander, Tokelauan, Tongan, Trukese (Chuukese), and Yapese.

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
(*From the FBI's *UCR State Program Bulletin 12-1*)

UCR Quality Assurance Reviews

Since the 11-04 *CJIS Newsletter*, the following agencies received letters of commendation from the Director of the Missouri State Highway Patrol's CJIS Division for outstanding performance and findings (100%) upon completion of their Missouri UCR Quality Assurance Review:

Foristell Police Department
West Plains Police Department
Greene County Sheriff's Office
Diamond Police Department
Bolivar Police Department

Poplar Bluff Police Department
El Dorado Springs Police Department
Vernon County Sheriff's Office
Stone County Sheriff's Office
Argosy Casino

Since the 11-04 *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:

Summersville Police Department
Mill Spring Police Department
Bellefontaine Neighbors Police Department
St. Charles Police Department
Bridgeton Police Department
Peculiar Police Department
Monroe County Sheriff's Office

Clever Police Department
Anderson Police Department
Indian Point Police Department
Polk County Sheriff's Office
Parkville Police Department
Pleasant Valley Police Department
Isle of Capri—Kansas City

One third of all independently reporting law enforcement agencies are reviewed each year. Cycle 2 ended on December 31, 2009, and cycle 3 will run from January 1, 2010 through December 31, 2012.

Missouri Arrests for Drug-Related Offenses Down 27% Since 2006

2006 - 45,814

2007 - 40,315

2008 - 36,933

2009 - 39,949

2010 - 33,349



FBI MIBRS “Reasonableness Errors”

The UCR section of the 10-02 CJIS Newsletter listed 10 errors that were identified by the FBI. These errors are considered “reasonableness errors” due to reported circumstance associated with an incident. The circumstance may be the relationship of the offender, reporting an element of a NIBRS/MIBRS offense as a separate offense, not reporting weapons type and so on. This article will deal with the six errors that will affect an agency compliance score. Always keep in mind the NIBRS/MIBRS offense definitions/elements do not match RMsO/Ordinance definitions/elements.

1.) Misclassification between the offense of Statutory Rape (36B) and Incest (36A).

This error was noted when Statutory Rape was reported where the victim to offender relationship was reported as parent, sibling, child, grandparent or grandchild AND no force was used to commit the offense. These circumstances fit the NIBRS/MIBRS definition of Incest. Incest is defined for NIBRS/MIBRS as: *Nonforcible sexual intercourse between persons who are related to reach other within degrees wherein marriage is prohibited by law.* The factor is the relationship not the age of the victim. Age/age of consent only plays a role in Nonforcible sexual intercourse offenses i.e. Statutory Rape.

2.) Simple Assault (13B) with injuries and no weapon type selected.

If an offense is reported as a simple assault with injuries, the agency must report the type of weapon used as well as type of injury. Remember that simple assault is where the victim is attacked by another, the suspect does not use any weapon other than personal weapons and the injury is minor. Minor injury is considered something that first aid could take care of. For the assault to be aggravated when the weapon type is personal weapons, the victim must receive injury that requires medical attention beyond first aid.

3.) Credit/Debit Card Fraud (26B) incident having property type credit/debit card (09) reported as stolen.

In most instances, the credit/debit card is not reported stolen until the victim discovers that the card has been used without their knowledge or approval. The victim will report both the stealing of the card or card number AND the fraud at the same time. Usually, agencies will do one report for these types of incidents. In these incidents for NIBRS/MIBRS, the agency will report a larceny offense and the fraud. The credit/debit card will be reported as stolen under “type property loss” and associated with the larceny offense. Remember that the property taken during the fraud will be reported as stolen under “type property loss” and associated with the fraud.

4.) Reporting Robbery Offense (120) without an Individual listed as victim.

Robbery must always have an “individual” selected as one of the victim types. Agency may selected/report business, financial institution, government, religious organization as victims, but an “individual” has to be reported with these. The “individual” would be the clerk, teller, employee, etc. that the suspect threatened and/or used force to take the property.

...continued

FBI MIBRS “Reasonableness Errors”

...continued

5.) Theft of Motor Vehicle Parts or Accessories (23G) with no Motor Vehicle Parts (38) reported as stolen in the property section.

If an item is stolen that is affixed to the interior or exterior of a motor vehicle, this would be Theft of Motor Vehicle Parts or Accessories. The item stolen would then be reported as Motor Vehicle Parts (38). Motor Vehicle Parts include but not limited to vehicle batteries, engines, transmissions, CD players, radios, license plates etc. If an agency reports Theft of Motor Vehicle Parts or Accessories, then the agency must report property type “Motor Vehicle Parts” as stolen by “type property loss.”

If item stolen from a motor vehicle is NOT considered “Motor Vehicle Parts” then the offense to report would be “Theft From Motor Vehicle.”

6.) Burglary (220) incident reports containing Larceny/Theft offenses (23A-23H) as NIBRS/MIBRS reportable offenses.

The NIBRS/MIBRS definition for burglary is different from the RMSo/Ordinance. In NIBRS/MIBRS, theft is considered an element of burglary, not a separate offense as RSMo/Ordinance does. To report the burglary to NIBRS/MIBRS, the agency does not need to report the larceny/theft offense. For charging purpose, the agency will report the burglary along with the larceny/theft. There are two solutions to this.

a.) When agency selects an RSMo/Ordinance of stealing in a burglary offense report, change the stealing code to the non-reportable code.

OR

b.) Have the agency’s Records Management System (RMS) set to when a burglary offense is selected and a stealing offense is selected, the stealing offense is taken/removed/coded as non-reportable in the NIBRS/MIBRS offense code submission table.

Both of the above will require your RMS administrator and possible the RMS vendor to implement.

If you have any questions, need any assistance, or would like to switch to MIBRS reporting, please contact your local UCR Regional Trainer.

Upcoming FBI UCR Quality Assurance Review of Missouri

The FBI will be conducting their triennial audit of the Missouri UCR Program during **August 6 - 10, 2012**. The FBI CJIS Division will select 9 -12 law enforcement agencies statewide and 3 FBI teams will conduct on-site audits of the MSHP and each designated agency. Agencies selected will be informed via letters from the MSHP & FBI.

NEW DRUG TYPE CLASSIFICATIONS

Due to the alarming increase in the use of illegal synthetic, man-made and sometimes prescribed drugs, the FBI'S Laboratory Division has provided the national UCR program how the following drugs should be reported for agencies submitting the data via NIBRS (Suspected Drug Type) or SRS (Summary reporting) via the ASR forms.

<u>DRUG TYPE</u>	<u>NIBRS REPORTING</u>	<u>SUMMARY REPORTING</u>
Pentazocine	Other Narcotics	Synthetic Narcotics
Propoxyphene/Darvon	Other Narcotics	Synthetic Narcotics
Methcathinone	Amphetamines/ Methamphetamines	Other-Dangerous Non-Narcotic
<i>*Street names for Methcathinone include Bathtub speed, Cadillac express, Cat, Ephedrone, Gagers, Gagers, Good, Jeff, Mulka, Speed, The C, Wild cat and Wonder star</i>		
Dronabinol (Marinol)	Other Hallucinogens	Other Dangerous Non-Narcotic
Voodoo Child	Other Hallucinogens	Other Dangerous Non-Narcotic
Spice	Other Hallucinogens	Other Dangerous Non-Narcotic
K-2 Synthetic Marijuana	Other Hallucinogens	Other Dangerous Non-Narcotic

** Additional detail information regarding the ingredients and effects of these drugs can be found in the FBI UCR State Program Bulletin 12-1.*

Collection of Ethnicity Data on Arrestees

Beginning January 1, 2013, the FBI UCR Program will start collecting the ethnicity of those arrested. The only ethnicity to be collected is "Hispanic or Latino." For Summary based UCR, the FBI will produce new arrest forms that will capture this date. The Missouri State Highway Patrol will likewise add the ethnicity column to the on-line arrest forms. This information is already captured for MIBRS. The only change a MIBRS agency may see is if their RMS vendor changes "Hispanic" to "Hispanic or Latino."

The FBI defines a person as being of "Hispanic or Latino" ethnicity as: "A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino." From the FBI's *UCR State Program Bulletin 12-1*.

The MoUCR Program Office is still awaiting the final procedures from the FBI on collecting this data. Once the new procedure is received, the MoUCR Program Office will inform all reporting agencies. If you have any questions, please contact your regional UCR trainer.

Human Trafficking

A Global Problem

Prostitution. Servitude. Forced Labor.

Each year, innocent men, women and children are exploited in human trafficking schemes.

U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security, is a leader in the global fight against trafficking.

By targeting trafficking organizations while providing support to victims, ICE is working to dismantle the criminal infrastructure behind human trafficking.

Common Trafficking Indicators

- Victim does not have ID or travel documents.
- Victim has been coached in talking to law enforcement and immigration officials.
- Victim is in forced labor situation or sex trade.
- Victim's salary is gamished to pay off smuggling fees.
- Victim is denied freedom of movement.
- Victim or family is threatened with harm if escape is attempted.
- Victim is threatened with deportation or arrest.
- Victim has been harmed or denied food, water, sleep or medical care.
- Victim is denied contact with friends or family.
- Victim is not allowed to socialize or attend religious services.

Trafficking vs. Smuggling

Human Trafficking is defined as:

- sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act is younger than 18; or
- the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Human Smuggling is defined as:

- the importation of people into the United States involving deliberate evasion of immigration laws. This offense includes bringing illegal aliens into the country, as well as the unlawful transportation and harboring of aliens already in the United States.



Homeland
Security
Blue Campaign

Report Suspicious Activity:

1-866-DHS-2-ICE

1-866-347-2423

www.dhs.gov/humantrafficking

