

# Stowe Police Department

<b>General Order:</b> 1.35	<b>Related General Orders:</b>
<b>NCIC Policy</b>	
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
<b>Applicable Vermont Statutes:</b>	
Date Implemented: 06/18/12	Date Revised:

## **I. PURPOSE:**

1. The National Crime Information Center (NCIC) is a nationwide, computerized information system established as a service to all criminal justice agencies, local, state, and federal. The goal of NCIC is to help the criminal justice community perform its duties by providing and maintaining a computerized filing system of accurate and timely documented criminal justice information. This includes information for: wanted persons, missing persons, stolen property, criminal history, and information compiled in the course of investigation of crimes that are known or believed on reasonable grounds to have occurred; including information on identifiable individuals compiled in an effort to anticipate, prevent or monitor possible criminal activity. The NCIC data bank also contains information to aid in locating missing and unidentified persons.

## **II. POLICY:**

1. It shall be the policy of the Vermont Crime Information Center and the Stowe Police Department to insure the proper operation of NCIC, the standards, procedures, formats and criteria as contained in the NCIC 2000 Operating Manual, will be followed.

## **AGENCY COMMITMENTS**

1. The primary responsibility for the entry and maintenance of accurate, timely, and complete records lies with the agency whose ORI is on the record; however, each agency is monitored by a CJIS Systems Agency. This Agency has direct telecommunication lines to NCIC, and is held responsible for records entered through those lines. There is no more than one CSA per state. In Vermont, the CSA is the Vermont Crime Information Center (VCIC), Department of Public Safety in Waterbury, Vermont. This agency is responsible for monitoring system use,

enforcing system discipline, and assuring that all users under their jurisdiction follow NCIC operating procedures. Stringent administrative procedures and controls to ensure that accurate data are entered along with an officer's and/or dispatcher's following documented policies and procedures can prevent lost court cases, civil liability suits, and criminal charges against the law enforcement officer, dispatcher and/or their agency.

2. The following definitions illustrate the department's agreements with NCIC and VCIC and are to be remembered and followed at all times.

*Any device that accesses NCIC information will be used by trained and NCIC certified personnel ONLY. This will include the current Full Service Terminal Operators (FSTO) and Less Than Full Service Terminal Operators (LFSTO). A list of all agency FSTO and LFSTO, their certification date and certification expiration must be maintained by the agency.*

3. All NCIC entries and deletions should be brought to the attention of the TAC, so that the current hot files can be properly maintained. When a record is entered into NCIC the resulting printout must be initialed by the person who made the entry and by the person who performed the second party check. This printout, along with the entry request and entry confirmation ("Form 280") will remain in the agency hot file. If an agency is non-terminal or non-24 hour a second copy of this information will be maintained at their Holder of Records agency.

#### **TIME LINES**

1. NCIC records must be entered promptly to insure maximum system effectiveness. A timely entry in the Wanted Person File is one made *immediately* once:

- A. The decision to arrest or authorize arrest has been made and,
- B. The decision has been made as to whether and how far to go for extradition.
- C. Or if extradition is not authorized an entry may be made for felony or serious misdemeanor warrants for officer safety purposes.

2. A timely removal from the file means an immediate removal once the originating agency has documentation the fugitive has been arrested or is no longer wanted.

3. Timeliness of entry and modification in the Missing Person File is generally the same as in the Wanted Person file. Missing juveniles (persons under 21 years of age) must be entered within 2 hours after required minimum data for NCIC entry is obtained.

4. Timely entry and modification of vehicle and license plate data is the same as the wanted person standard, without the extradition considerations. Entry should be made as soon as a crosschecking has been completed with Dept. of Motor Vehicles records.

5. Timely entry, modification, and removal of gun, article and securities information means within a few hours of the time the complete information is available.

### **VALIDATION**

1. Validation (vehicles, articles, boats, guns plates, fugitives, missing person entries) obliges the ORI (Originating Agency) to confirm the record is complete, accurate and still outstanding or active. Validation procedures will be carried out by, or under the guidance of the Terminal Agency Coordinator (TAC). There must be a written procedure in place.

### **COMPLETENESS**

1. Complete records of any kind include all information that was available on the person or property at the time of entry. The validation process should include a review of whether additional information has become available (missing from the original entry) that could be added.

2. Complete person records include numbers that could be indexed in the record, i.e. FBI#, Social Security, Passport, VIN, License Plates, Driver's License, etc. Inquiries should be made on all names and aliases used by the suspect. Complete vehicle inquiries include VIN and license plate numbers.

### **ACCURACY**

1. The accuracy of NCIC data must be double-checked by a second party. That verification should include assuring that the available crosschecks (i.e. VIN/license numbers) were made and that the data in the NCIC record matches the data in the investigative report. A dispatcher, an officer, or a supervisor may do this crosschecking.

### **HOT FILES**

1. All of the files available for entry of stolen property, wanted or missing persons, and files for information on dangerous person or groups are considered "Hot Files. A Certified User can access NCIC/VCIC utilizing either G-Link or PsPortals. PsPortals is engineered to address the needs of those responsible for handling public safety integration efforts, security issues, NCIC 2000 compliance, training requirements, workstation software maintenance and the host of other demands for data and access. Portal 100 enables users to simultaneously launch other Internet and intranet applications or access local software applications. When users access other applications, Portal 100 continues to "listen" to the public safety network and notify users of important incoming messages through visual and audible alerts, as well as providing full NCIC/VCIC capability.

### **ENTRY PROCEDURES**

1. Using the forms provided by VLETS (Vermont Law Enforcement Telecommunications System), information will be entered as soon as minimum information is available. The menu for NCIC Entry and Cancel forms is Form 207 or Shift F4 (G-Link). PsPortals access to NLETS/VLETS is in the drop down menu.

2. A paper NCIC entry form will be filled out and kept in the Hot Files folder in the Communications Center. The NCIC printout should be filed with the appropriate hot file entry form. The NCIC Operating Manual is always available on the VIBRS home page, through PsPortals and in the Communications Center for consultation if there any questions regarding required fields criteria. All entries should be brought to the attention of the TAC (Terminal Agency Coordinator).

### ***ERROR CHECKING***

1. Any NCIC entry will result in a response from NCIC acknowledging the request and verifying entry, providing the ORI (**O**riginating agency) with a NIC number. The NIC number is the unique number assigned to each entry.

2. Form 280 ("Z-NCIC Entry Confirmation in Portals) shall be used by the originating agency to confirm that the information entered is correct. By following the on-screen directions, a copy of the full NCIC record can be obtained for review and verification.

3. Copies of all MRIs will be attached to the original case, as well as the response to Form 280 of the NIC number confirmation. Form Z-NCIC Confirmation, PsPortals, along with the initials of the person making the entry.

### ***CANCELLATION PROCEDURES***

1. It is always the entering agency's responsibility to clear the record in NCIC when the property has been recovered, or the missing person located. In the case of a wanted person being arrested, the ORI (or their holder of records agency) will send the clear message. A list of the NCIC Clear VLETS Forms can be obtained by Shift F4 or Form 207 (G-Link). PSPORTALS removal of records is located in the drop down menu. The resulting "Clear NIC" message will be placed with the appropriate Hot File paperwork, removed from the "Hot File", and then filed with the case. The TAC will be advised of the cancellation. A query of the NIC number should be done to ensure the record has been removed.

### ***INQUIRY TRANSACTION***

1. A query of the NCIC data can be made in different ways. Use of the F1 and F2 keys will provide a multi-response, including a check of the NCIC vehicle and person files (G-Link). Portals utilizes the "SVQ or SNQ" under the "most common" tab. It is important to understand that a query on a name will result in automatically checking all of the person files, and may also result in a vehicle record check if a vehicle has been linked to a name. Person files searched by entering a name and date of birth and requesting a check of the wanted person file will also search Missing Person, Foreign Fugitive, U.S. Secret Service Protective File, Unidentified Person, Violent Gang, Known or Suspected Terrorist, Protection Order, Supervised Release and the National Sexual Offender Files. Some of the files are for officer safety only, and to facilitate the exchange of information between agencies, and others may result in taking the subject into custody once the "hit" is confirmed. All positive responses must be read carefully, and data compared to determine if the person in the NCIC response and the person encountered by the officer are the same.

**Note: The increase in the amount of information available through NCIC files has tremendously increased the number of liability issues, and the possibility for occurrence for each and every ORI. This must be remembered at all times.**

### ***HIT CONFIRMATION PROCEDURES***

1. Any agency that receives a positive response to an NCIC inquiry must confirm the “hit” before taking any action such as arresting the wanted person, detaining a missing person, or seizing the stolen property.
2. Confirming a hit means to contact the agency whose ORI appears on the record to ensure that the person or property inquired upon is identical to the person or property identified in the record, ensure that the warrant, missing person or theft report is still outstanding, and to obtain a decision regarding the extradition of the wanted person, information regarding the return of the missing person, information regarding the return of stolen property to the rightful owner.
3. The NLETS system will be used to send a hit confirmation message. See G-Link Form 322 for Hit Confirmation Requests (YQ) and the drop down menu in PsPortals. If the initial confirmation is done by phone it is to be followed up with a YQ message to establish a paper trail of the contact. This paperwork will be attached to the hot file. Notes should be made on the printout concerning how, when and by whom the record was confirmed. If the ORI confirms the hit the agency that located the person or property will transmit a Locate message to the record. The TAC should be advised of the incident.

### ***RESPONDING TO HIT CONFIRMATIONS***

1. When an agency receives a hit confirmation request for a wanted/missing person or stolen property the agency should respond with a Hit Confirmation Response (YR) message (use Form 322 for list of explanations in G-Link, YR in PSPortals) to advise the inquiring agency of the status of the record..
2. **An agency must respond within ten (10) minutes of receiving the request provided the request is not marked Routine. If the request is marked routine the confirming agency has 1 hour to respond.** If unable to determine the status within this time frame, the agency must respond to the request and ask for additional time to make the determination.
3. An agency **must** review all available information to ensure that a proper response is given; the agency is certifying that the person or property is identical and the person is still missing or wanted or the theft is still outstanding.
4. If a phone call is made, it is to be followed up with a YR message so that a paper trail is established. This paperwork will be attached to the hot file. Notes should be made on the printout concerning how, when, and to whom the information was given.

5. If the hit results in the clearing of a record a clear message will be transmitted by the entering agency. In the case of a wanted person, the ORI will send the clear message. This should also be attached to the hot file and the TAC should be advised of the incident.

#### ***LOCATE PROCEDURE***

1. Every agency upon taking a person into custody or locating property, after confirming a hit, must place a locate message on the corresponding record(s). To place a locate message, use Form 279 for person files and Form 278 for property files (G-Link), in PsPortals, NCIC, use the "LM" for Locate Missing, "LW" for Locate Wanted etc.

2. The only exception to this is a wanted person where the extradition limits do not include extradition from Vermont or extradition has not been approved (NOEX).

#### ***VALIDATION PROCEDURES***

1. The FBI sends a list of NCIC records for validation to the CSA. These listings contain both active records and records in locate status. A list of these records is posted to the VIBRS home page and the Portals Bulletins Page. An email is sent to all TACs advising them of the availability of their records for validation. Article files, other than type T, Q, or Z, are not included due to their short retention period. Validation obliges the ORI to confirm the record is complete, accurate and still outstanding or active. The records contained on the validation listing will be reviewed by the TAC.

2. The original entries and their supporting documents will be reviewed and every attempt will be made to contact any appropriate complainant, victim, prosecutor, court, motor vehicle registry file, or other appropriate source or individual who can verify that the record is still active.

3. If validation efforts are unsuccessful, the entering authority must make a determination as to whether or not to retain the entry in NCIC.

4. Every effort will be made to ensure that all available information has been entered and that the information contained in each record is accurate.

5. The validation form for each record will be dated, signed, and marked RETAIN or DELETE when verification is completed, and any appropriate remarks will be entered, along with a note indicating how the record was validated.

6. The e-mail response will be returned to VCIC within 30 days from the date received: [ncic@state.vt.us](mailto:ncic@state.vt.us)

#### ***INTERSTATE IDENTIFICATION INDEX (III) (TRIPLE I)***

1. A Triple I message provides the capability to search III using an individual's personal identifiers, assigned SID, or assigned FBI number to determine if an index to a person's criminal history is in III.

- A. Criminal History Inquiry (Form 335 in Glink, QH in Portals) provides an index of subjects matching inquiry, and includes information regarding where the record is maintained. A positive response contains additional identifying data to associate the record with the person of the inquiry (height, weight, race, fingerprint classification, tattoos, etc.). With this information, an agency can decide whether to request the record. In PSPortals “QH” is located in the “criminal history” folder.
- B. Criminal Record Request (Form 336 in Glink, QR in Portals) is used for specific criminal history records via III. Only the state ID number or the FBI number can be used to identify the record being requested. In PSPortals “QR” is located in the “criminal history” folder.
- C. Confidentiality – The Privacy Act of 1974 mandates the confidentiality of criminal history records, as well as requiring the FBI maintain an audit trail of the purpose for each disclosure. There are three purposes available – “C” for criminal justice when the transaction is for official duties in connection with the administration of criminal justice, “J” for criminal justice employment screening and “F” for weapons related background checks (not for presale or Brady checks). Additionally, an audit trail is maintained by VCIC showing who requested the record. The name of the officer requesting the record, the case number that generated the need to have the record, as well as *any other agency* that will receive this record (secondary dissemination) should be included in the attention field of the request. The ORI of the requesting agency should be used on the request.

2. In addition to these safeguards, the disposal of criminal history records produced by Soundex, which have no connection to the case, will be shredded immediately so that unauthorized persons cannot access them.

3. Criminal History records will be not released to anyone, other than those listed in the dissemination request, including the subject of the record. Criminal History records will not be faxed except in emergencies when the recipient is aware the fax is coming and is there to receive it. Criminal History records are to be hand delivered or sent via encrypted email. Criminal History information may also be sent via certified mail to a uniquely identified person (point of contact) at the receiving agency in order to maintain an audit trail.

### **TRAINING**

1. In order to assure compliance with NCIC policy and regulations, all Full Service Terminal Operators will attend the Vermont Police Academy for training provided by VCIC. This training is offered twice a year, and each new employee will attend and be certified within six (6) months of employment or assignment.

2. A minimum of four (4) hours of training each year to all Full Service Terminal Operators. Operators are required to assure compliance with NCIC policy. This annual training requirement is the PsPortals Testing and Certification site.
3. An agency will maintain records of all training, testing, and proficiency affirmation. The TAC will assure that these records are maintained within the department and provide them to VCIC at their request.
4. New sworn personnel will receive basic training in NCIC matters to ensure effective use of the system within six (6) months of employment.
5. Any officer attending the Vermont Police Academy Full Time Basic Training will receive training and Less Than Full Service Terminal Operator certification as an integral part of their education.
6. All certified Less Than Full Service Terminal Operators must complete at least two (2) hours of NCIC training each year with re-certification. This is also accomplished on the PsPortals Testing and Certification site.
7. New personnel who were certified as FSTO out of state must attend the VPA for FSTO training provided by VCIC. This training is offered twice a year, and each new employee will attend and be certified within six (6) months of employment or assignment.
8. Employees who left service for any length of time do not need to attend the FSTO/LFSTO class again if they attended that class during their first employment. They must complete at least two (2) hours of NCIC training each year with re-certification as LFSTO, four (4) hours for FSTO. This is also accomplished on the PsPortals Testing and Certification site.
9. Sworn personnel who graduated from the VPA prior to January 1, 1997 (when NCIC training was first included in the curriculum) or are part-time certified must take the Full Service Terminal Operator class or study the Basic Certification Workbook and take a Basic Terminal Operator Proficiency test to obtain NCIC Certification. NCIC Certification is required for any sworn personnel who access NCIC information via MDTs.
10. TACs and Alternate TACs must maintain Full Service Terminal Operator Certification and complete the yearly FSTO exam.
11. A list of all agency FSTO and LFSTO, their certification date and certification expiration must be maintained by the agency.
12. Discipline: Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.



Issued by: \_\_\_\_\_

Donald Hull  
Chief of Police