

THE RAP SHEET

Information from the Criminal Justice Information Center (CJIC)

Division Contact: (517) 241-0604

www.michigan.gov/cjic

Fax: (517) 241-0865

019

Jan/Feb 2011



Dawn Brinningstaull, Director
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
Lansing, Michigan 48909

The Federal Bureau of Investigation's (FBI's) Criminal Justice Information Services (CJIS) Division, Audit Unit, conducts on-site audits of federal, state, local law enforcement, and other governmental agencies participating in or deriving data from CJIS systems and networks. Audits are conducted on a triennial cycle and include, but are not limited to, the following systems and related subsystems and processes: the Integrated Automated Fingerprint Identification System (IAFIS), the National Instant Criminal Background Check System (NICS), National Crime Information Center (NCIC), the Uniform Crime Reporting (UCR) System, the National Sex Offender Registry File (NSORF), and technical security for all CJIS systems.

This edition of the RAP SHEET is dedicated to Michigan's results of the FBI CJIS Audit which occurred in June 2010. We would like to thank all of the agencies that cooperated in participating with these audits.

Dawn Brinningstaull, Director
Criminal Justice Information Center

NICS AUDIT

The audit of Michigan agencies with access to the National Instant Criminal Background Check System (NICS) evaluated the integrity, reliability, and access to NICS. A total of 24 agencies, including the Michigan State Police (MSP), were audited. The areas where agencies were found to be out of compliance were: not completing a NICS check prior to issuing a valid purchase permit (two agencies); utilizing the NICS system for the return of confiscated firearms (eight agencies); failure to deny a purchase permit based on the federal drug and misdemeanor crime of domestic violence (MCDV) prohibitor (11 agencies); invalid records maintained in the NICS Index (six agencies).

Some points to assist you in complying with the requirement of the NICS:

- A NICS check is always required to issue a permit to purchase and a concealed pistol license.
- When returning confiscated firearms to the owner, use only the code "RETRN." Using this code will bypass the NICS inquiry.
- If you are aware that someone has used an illegal drug within the last 12 months, they are federally prohibited from purchasing or possessing a firearm. Be sure to review the criminal history for drug offenses. Failure to pass a drug test in the last 12 months is also prohibiting. In addition, an unsolicited admittance to possessing a medical marijuana card is prohibited under federal law.
- Anytime a misdemeanor conviction that could meet the MCDV criteria appears on a criminal history, you must research the conviction to determine if it is a federal prohibitor. You should review the police report and contact the court for the facts of the incident. If you do not have a list of the Michigan statutes you should watch for, you can obtain it on LEO.gov (the NICS sig) or you can contact the firearms unit at (517) 241-1917.

Take advantage of the MSP training entitled "Understanding State and Federal Firearms Prohibitors" and the NICS training in August. Watch for announcements of upcoming dates.

IAFIS AUDIT

The IAFIS Audit noted several items relating to the overall quality of the Michigan process for the submission of fingerprints. Among the achievements noted in the report was the outstanding quality of criminal fingerprint images. During the October 2009 – December 2009 time period examined by the auditor, the MSP submitted over 93,459 transactions.

We would like to highlight the numbers below because we believe they are a metric that reflects the quality and thoroughness of our law enforcement partners throughout the state and we believe it is an indication of the world class systems we have built:

- Fingerprints noted by the FBI for Low Image Quality were 0.19% when the allowable standard is 0.50%
- Fingerprints noted by the FBI for Insufficient, Indiscernible, Erroneous, or Incomplete information were 1.58% when the allowable standard is 5.00%
- Fingerprints noted by the FBI for Non-Unique SID Numbers were 0.01% when the allowable standard is 0.25%
- Fingerprints noted by the FBI for Missed Identifications were at 0.06% when the allowable standard is 2.00%

The audit report had four areas of concern. The first area had to do with making sure the FBI is notified of any testing that might be done prior to the testing happening. This is an area we will need your help with at a local level. If you are going to be working on upgrading your Live Scan or sending test transactions to the MSP because of something that you are doing on your end, please let us know so it can be coordinated with the FBI.

The second area had to do with the MSP being able to respond to an FBI request for data consolidation within a 48 hour response window. The Criminal History Section was staffed eight hours a day, five days a week until 2004 when we created a second shift that allowed us to support the field for 16 hours a day, five days a week. As of February 2011, we are staffed to offer 16 hour a day support for five days a week plus an additional eight hours of support on Saturday and Sunday. This will allow us to service all of our customers better including the FBI.

The third and fourth areas of concern addressed Criminal History Response Information (CHRI). The FBI wants to ensure the responses generated by our applicant fingerprint processing are not shared with individuals who should not receive them and they also want to make sure that we, as a state, inform the applicants that the FBI will be receiving a copy of their fingerprints and what the procedure is to challenge something on their record they disagree with. We have created an audit process and an audit team who will be visiting agencies that receive CHRI as a result of the applicant background check process to ensure that CHRI is used properly by the receiving agencies.

If you have specific questions on the above information, please don't hesitate to contact Chad Canfield at (517) 241-0626 or canfieldc@michigan.gov.

IT SECURITY AUDIT

Below are the findings from the Informational Technology Security Audit determined by the FBI CJIS. Fourteen agencies were audited. Non-compliant agencies were notified and required to respond with their respective corrective action back to MSP.

1. Ensure local agencies implement appropriate agreements with their respective non-criminal justice governmental agencies.
2. Ensure the CSA and local agencies have signed Security Addendums with their respective private contractors.
3. Ensure local agencies maintain management control of networks that transmit CJIS data.
4. Ensure local agencies conduct state of residency and national fingerprint-based record checks for all personnel with access to FBI CJIS data.

5. Ensure local agencies provide Security Awareness training to all personnel with access to FBI CJIS systems data.
6. Ensure local agencies implement security and/or disposal policies for electronic media that had stored or processed CJIS data.
7. Ensure passwords used for authentication follow the secure password attributes on local area and wireless network segments at the local agencies.
8. Ensure local agencies implement advanced authentication on handheld devices accessing FBI CJIS systems and data.
9. Ensure local agencies encrypt all public network segments that transmit CJIS data with at least 128-bit encryption.

If you have specific questions on the above information, please don't hesitate to contact Terri Smith at (517) 241-0607 or smithta@michigan.gov.

NCIC AUDIT – PRELIMINARY FINDINGS

The LEIN Field Services Section (LFSS) recently received the draft National Crime Information Center (NCIC) triennial audit results from the FBI audit conducted in June 2010. The FBI auditors discovered issues that necessitate resolution. Please review the subsequent topics and, when applicable, modify agency practices in order to gain compliance with NCIC policies.

Hit Confirmation Agreements

The LEIN and the NCIC policies require every agency entering records into LEIN and/or NCIC ensure hit confirmation is available for all records 24 hours a day. A 24-hour hit confirmation may be accomplished by the entering agency; however, it may also be accomplished through a written agreement with another agency on behalf of the entering agency.

Agencies utilizing another agency for hit confirmations that do not currently have a written agreement must immediately prepare such an agreement. The agreement can be developed to fit the needs of the agency involved and must be made available during an audit. For SAMPLE language, please visit www.michigan.gov/LEIN.

Secondary Dissemination

Secondary dissemination of criminal history information obtained from LEIN/NCIC occurs when that information is distributed beyond the original requester. NCIC and LEIN policy require agencies to have a procedure in place for recording secondary dissemination. Agencies may develop a means for recording secondary dissemination to fit their individual needs. However, the date of dissemination, the name of the agency receiving the information and the name of the person receiving the information must be clearly documented. Secondary dissemination to the prosecutor and courts may be recorded in a case file. Documentation must be maintained for a minimum of one year.

At no time should an unauthorized party be given, allowed to view, or otherwise access information obtained from LEIN/NCIC contained in a case file.

Data Quality

Several of the audited agencies were found out of compliance with the requirement to include all available information when entering a person or property record.

For LEIN/NCIC to be an effective tool, it requires "packing the record" with all available information. The more information added to a record, the better the chances of locating and/or identifying a wanted or missing person or property. Information such as scars, marks, and tattoos; additional aliases; dental records; jewelry; and mother's maiden name (if applicable) must be added to the record if available.

Missing Person Entries

FBI Auditors found several agencies were not in compliance with the federal requirements regarding the entry of missing persons under the age of 21 as set forth in Suzanne's Law (42 U.S.C. § 5779(a)) and the Adam Walsh Act (42 U.S.C. § 5780). Some agencies indicated that they were unaware of these federal statutes and others have indicated that their department policy does not support this type of entry. Regardless of an agency's local policy, federal law requires that these entries be made.

While Michigan law defines a juvenile as being under the age of 18, Suzanne's Law requires the entry of all missing persons into LEIN/NCIC, regardless of whether the person is voluntarily or involuntarily missing. The Adam Walsh Act further requires that all missing persons under the age of 21 be entered into LEIN/NCIC **within two hours of the report being taken**, once the agency has the minimum information required to make the entry. Entries must be removed immediately once it has been determined the person is no longer missing.

Missing persons under the age of 21 should be entered in the appropriate category (Endangered, Catastrophe, Involuntary, or Disabled). If the missing person does not meet the requirements for any of the above categories the missing person should be entered as a missing juvenile. Missing persons under the age of 21 do not require a signature prior to entry.

Interstate Identification Index (III) Misuse

The Interstate Identification Index, or III, coordinates the exchange of interstate criminal history record information among states and Federal criminal justice agencies. Agencies are reminded that the III may only be accessed for an authorized purpose. Criminal history record information from the III may only be used for an authorized criminal justice purpose. Agencies may not run a self-query or a query on a family member and/or access criminal history information for personal reasons.

Criminal History Inquiries: Purpose Code C vs. J

The FBI identified agencies using the incorrect purpose code when accessing criminal history information.

Purpose code J is used for criminal background checks on all employees/applicants for employment by a criminal justice agency, no matter the job function or how it is related to the administration of criminal justice. Purpose code J is also used for all volunteers, vendors, and contractors of a criminal justice agency who **are** involved in the administration of criminal justice.

In addition to being used for official duties in connection with the administration of criminal justice, purpose code C is also used for criminal background checks on volunteers, vendors and contractors of a criminal justice agency who **are not** involved in the administration of criminal justice.

The administration of criminal justice is defined as: detection, apprehension, detention, pre-trial release, post-trial release, prosecution, criminal adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

NCIC AUDIT OF SOR

FBI's Criminal Justice Information Services (CJIS) Division conducted a Cycle 0 audit of the Michigan Sex Offender Registry of the records submitted to the National Crime Information Center (NCIC) National Sex Offender Registry File (NSORF).

The Michigan State Police was found to be in compliance with federal regulations in 19 categories, with deficiencies noted in three areas: `Completeness, Accuracy, and Validations. To comply with the federal regulations and to address the deficiencies, users of the Michigan Sex Offender Registry must ensure that the information entered is accurate and complete. A complete record must include all information available at the time of entry. Additional information missing from the original entry should be added upon its availability.

The Michigan State Police is working on a process to ensure proper validations of the sex offender records. The next audit will occur in 2013.

2010 UCR QUALITY ASSURANCE REVIEW FINDINGS

The FBI CJIS conducts Quality Assurance Reviews (QARs) of each state's Uniform Crime Reporting System (UCR) Program and also reviews predetermined incident data from local law enforcement agencies who submit data to the state's program.

CJIS' findings from June 2010 indicated Michigan's program met all six of the following requirements.

1. Must conform to the national UCR Program's standards, definitions, and information requirements.
2. Must have a proven, effective, statewide UCR Program and have instituted acceptable quality control procedures.
3. Coverage within the state by a state Program must be, at least, equal to that attained by the national UCR Program.
4. Must have adequate field staff assigned to conduct audits and to assist contributing agencies in record-keeping practices and crime reporting procedures.
5. Must furnish to the FBI all of the detailed data regularly collected by the FBI from individual agencies that report to the state Program in the form of duplicate returns, computer printouts, and/or appropriate electronic media.
6. Must have the proven capability to supply all the statistical data required in time to meet national UCR publication deadlines.

CJIS also reviewed crime data from local law enforcement agencies, which involves reviewing a percentage of each agency's incidents for the following: 1) over-reported offenses, 2) under-reported offenses, and 3) inaccurate offenses. Included in this review are hate crime/bias incidents and Law Enforcement Officers Killed or Assaulted (LEOKA). If necessary, the CJIS Unit contacts data contributors (law enforcement agencies) to clarify data submissions that do not pass the data quality checks and to explain the policy or procedure governing the issues. Other areas considered in the review are: logical consistency of data, reasonableness of data, adherence to sound estimation methodologies, adherence to monetary submission standards for stolen and recovered property, and assurance that other statistical edit functions are processed within established parameters

A total of 611 incidents were reviewed from ten agencies. Three over-reported, ten incidents were under-reported, and 22 incidents were inaccurate offenses, for an overall error rate of just below 6%. Other states participating in the CJIS audits had error rates ranging from 2.52% to 11.36%.

An exit briefing is held with each agency, the CJIS Auditor, and representatives from the Crime Reporting Section. The CJIS Auditor reviews each inaccurate incident with the agency and offers recommendations as to how the agency can provide more accurate data to the state program.

This entire review is a learning process for all involved. Crime Reporting Section representatives gain insight into questions and answers local law enforcement agencies may have in the future. The next Michigan QAR is scheduled for the summer of 2013.

Criminal Justice Information Center Help

Applicant Background Check (517) 241-0606
Criminal History Records (517) 241-0606
Crime Reporting (517) 241-1704
Enforcement Records (517) 241-1888
Firearms (517) 241-1917

FOIA (517) 241-1934
MiCJIN Help Desk (877) 264-2546
Sex Offender Registration (517) 241-1806
Support Services (517) 241-1953
Traffic Crash Reporting (517) 241-1699

How can we help? If you have ideas for future articles, please contact [Stephanie Zwiker](#) at (517) 241-0604.

Looking for an archived article? If so, select a topic and edition below, than visit our [archived editions](#) to find the article you need.

<u>TOPIC</u>	<u>EDITION(S)</u>
AFIS	Sept/Oct '07, Jan/Feb '08, Mar/Apr '08, May/Jun '08, Jul/Aug '08, Sept/Oct '08, Sept/Oct '09, Mar/Apr '10, Jul/Aug '10, Sept/Oct '10
AFIS WORKGROUP	Sept/Oct '08
ALIAS/CRIMINAL HISTORY SYSTEM	Jul/Aug '07, Mar/Apr '08, Jul/Aug '08, Jul/Aug '09, Sept/Oct '09, Nov/Dec '09, Jan/Feb '10, Mar/Apr '10, May/June '10, Sept/Oct '10
APRS	Sept/Oct '09, Nov/Dec '09
CHR WORKGROUP	Sept/Oct '08
CJIS SECURITY POLICY	Mar/Apr '08, May/Jun '08, Jul/Aug '08, Jan/Feb '09, Sept/Oct '09, Jan/Feb '10, May/June '10, Nov/Dec '10
COMPACT COUNCIL	Nov/Dec '07, May/June '10
COURT DISPOSITION REPORTING	Nov/Dec '07, Jan/Feb '08, May/Jun '08, Jul/Aug '08, Jan/Feb '09, Nov/Dec '09, May/June '10, Jul/Aug '10, Sept/Oct '10
CRASH	Sept/Oct '10, Nov/Dec '10
CRIMINAL HISTORY AUTOMATION	Jul/Aug '07, Nov/Dec '09
FBI/CJIS AUDIT	Jul/Aug '08, Sept/Oct '08, Mar/Apr '09, Jan/Feb '11
FBI UPDATE	Jul/Aug '07, Sept/Oct '08, Jul/Aug '10
FIREARMS/NICS	Sept/Oct '10, Nov/Dec '10, Jan/Feb '11
HOMELAND SECURITY	Nov/Dec '09
IAFIS	Jan/Feb '11
ICHAT	May/Jun '08, Sept/Oct '08
JUDICIAL DATA WAREHOUSE	Jan/Feb '08
LEIN AUDIT	Mar/Apr '08, Mar/Apr '09, Nov/Dec '09
LEIN CONTACTS	Jan/Feb '09, Mar/Apr '09
LEIN FUNDING	Mar/Apr '09, Jan/Feb '10, Nov/Dec '10
LEIN OPERATIONS	Mar/Apr '08, May/Jun '08, Jul/Aug '08, Jan/Feb '09, Mar/Apr '09, May/Jun '09, Sept/Oct '09, Mar/Apr '10, May/June '10, Jul/Aug '10, Sept/Oct '10
LEIN TRAINING	Jul/Aug '09, Sept/Oct '09
LEIN VALIDATIONS	Jan/Feb '09, Mar/Apr '10, Jul/Aug '10
LEIN VIOLATIONS	Nov/Dec '10
LEIN WORKGROUP	Sept/Oct '08
LIVE SCAN/FINGERPRINTING	Jul/Aug '07, Sept/Oct '07, Nov/Dec '07, Jan/Feb '08, Mar/Apr '08, May/Jun '08, Sept/Oct '08, Mar/Apr '09, Jul/Aug '09, Jan/Feb '10, Mar/Apr '10, May/June '10, Sept/Oct '10
MiCJIN	Sept/Oct '08, Jan/Feb '09, Mar/Apr '09, Jul/Aug '09, Nov/Dec '09, Jan/Feb '10, Mar/Apr '10, May/June '10
MICR	Sept/Oct '10, Nov/Dec '10, Jan/Feb '11
NCIC	May/June '10, Sept/Oct '10, Jan/Feb '11
NGL UPDATE	Jul/Aug '07, Sept/Oct '07, Nov/Dec '07
PPO VIOLATIONS	Sept/Oct '07
PROSECUTOR CHARGE REPORTING	Nov/Dec '07, May/Jun '09, Jul/Aug '09, Sept/Oct '10
SECURID TOKENS	May/June '10
SEX OFFENDER REGISTRATION	Nov/Dec '07, Nov/Dec '09, Jan/Feb '10, Jan/Feb '11
STATEWIDE NETWORK OF AGENCY PHOTOS (SNAP)	Mar/Apr '08, Jan/Feb '10, May/June '10, Sept/Oct '10, Nov/Dec '10