

THE RAP SHEET

Information from the Criminal Justice Information Center (CJIC)

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Happy Holidays!

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On September 5, 2010, Captain Charles Bush was promoted to Major Charles Bush within the Michigan Department of State Police. Major Bush is now commander of the Office of Emergency and Specialized Services. His office oversees the Emergency Management and Homeland Security Division, the Homeland Security Advisor, the Specialized Services Division, the Executive Protection Section, and the 911 Administrative Section.

CJIC would like to take this opportunity to thank Major Bush for his years of dedicated leadership to the criminal justice community. Many economic events have changed our state funding over the past few years. However, Major Bush has remained steadfast in his commitment to enhancing our criminal justice systems and his interests in improving information sharing. He was instrumental in moving many of the CJIC programs forward as he played a key role in the development of the Michigan Data Exchange (Mi-DEX), identified funding for the Automated Fingerprint Identification System (AFIS) Mobile ID, and restructured the Law Enforcement Information Network (LEIN) Field Services Section. Major Bush has greatly aided Michigan in retaining our positive reputation at the state and national level and is responsible for bringing CJIC back into compliance with the National Crime Information Center (NCIC). We wish him the very best in his new position.

I am looking forward to serving as the next Director of CJIC. I worked as the Assistant Director of CJIC in 2002-2004 and am excited to be back. I remain committed to improving the systems which support our criminal justice activities and am looking forward to again working closely with our law enforcement partners.

Dawn Brinningstaull, Director
Criminal Justice Information Center

UPDATE TO THE LAW ENFORCEMENT INFORMATION NETWORK (LEIN) BILLING REQUIREMENTS

Public Act 163 of 2010 was recently passed and signed by the Governor. This Act provides for appropriations for the Michigan Department of State Police Fiscal Year (FY) 2011. Included in this appropriation is full state funding of the Law Enforcement Information Network (LEIN) for FY 2011, with some exceptions.

Public Act 163 of 2010, Section 301, provides that users of LEIN will not be billed a fee to support the LEIN system, EXCEPT for those agencies with an outstanding balance related to prior years' LEIN user fees. Agencies with an outstanding balance are required to be billed a LEIN user fee for FY 2011, based upon the rate schedule established for FY 2010.

Agencies with an outstanding balance associated with LEIN user fees on February 1, 2011, will receive an invoice for FY 2011. Agencies billed for FY 2011 LEIN fees can expect to receive invoices in February 2011.

Please note that agencies will continue to be billed for pass-through connectivity charges, which are invoiced quarterly. Agency administrators were sent a letter regarding this issue in November.

TRAFFIC CRASH UD-10 HELP SHEET

The Traffic Crash Reporting Section has revised the UD-10 Help Sheet. You can receive a copy by going to <http://www.michigan.gov/crash> and selecting the UD-10 Help Sheet link. Laminated copies are available by [e-mail](#). Please be sure to identify your agency and the amount you would like to receive. Please note the UD-10 Help Sheet provided with the UD-10 pads will not contain the revised information.

CHANGES TO THE CRIMINAL JUSTICE INFORMATION SYSTEMS (CJIS) SECURITY POLICY

The Federal Bureau of Investigation (FBI) is proposing significant changes to the Criminal Justice Information Systems (CJIS) Security Policy that may affect operations at your agency or entity.

The targeted effective date of the new FBI CJIS Security Policy is January 1, 2011. It is imperative that agencies thoroughly review the proposed CJIS Security Policy to ensure newly implemented and future requirements are addressed for all agency technology and to ensure they are in compliance by the designated date within each component of the policy. The proposed policy may be accessed by authorized users at www.michigan.gov/LEIN.

A basic overview of the proposed updates to the CJIS Security Policy includes the following:

- Data at Rest - Encryption is required when electronically stored data resides in an unsecure location. Policy Area 10.
- Encryption - A minimum of 128 bit encryption is required for criminal justice information and personal identifying information that is transmitted outside the boundary of a defined physically secure location. Policy Area 9.
- Physical Security (Patrol Vehicles) - Patrol vehicle mobile data terminals (MDT) are required to encrypt data at a minimum of 128 bit. Permanently affixed MDT systems that have not been procured or updated since September 30, 2005, do not require advanced authentication until September 30, 2013. Other MDT systems may require advanced authentication. Policy Area 9.
- Advanced Authentication - Advanced authentication is required in all unsecured locations. The proposed CJIS Security Policy will no longer consider Virtual Private Networks (VPN) sufficient for advanced authentication, unless it is an Internet Protocol Security (IPSEC) VPN and was implemented before 2009. In which case, agencies may continue to utilize IPSEC VPN technology for the advanced authentication requirement until 2013. Policy Area 6.

If you have specific questions related to the proposed CJIS Security Policy, please contact Information Security Officer, Ms. Terri Smith, at (517) 241-0607, or at smithta@michigan.gov.

WHY CAPTURE SCARS, MARKS, OR TATTOOS WHEN TAKING FINGERPRINTS AND MUG SHOTS?

Why capture scars, marks, or tattoos if you are the corrections officer handling the subject and completing the booking information, fingerprints, palm prints, and photos? The answer is because it is another identifiable feature to assist law enforcement with future and/or past crimes. If a subject has tattoos, they should also be captured at the time of arrest, including a literal description of the tattoo along with the location of the tattoo on the subject's body.



In July 2010, a sexual assault occurred in the city of Lansing where a woman was assaulted by a man who had a tattoo on his neck with the name "Autumn" and tattoos on at least one of his hands. At the time of this writing, the subject has not been apprehended nor has it been determined if there was a prior arrest of the subject.

Capturing images with the proper data will greatly enhance future investigations. If you have any questions or search requests in reference to scars, marks, or tattoos, please contact the SNAP Unit at (517) 241-0727 or SNAP@michigan.gov.

OPEN CARRYING OF FIREARMS

There is often confusion of a person's right to carry a pistol in a non-concealed manner. The Firearms Records Unit receives many questions regarding this issue. The Michigan State Police Standards and Training Division published a Legal Update addressing this issue. It can be accessed at http://www.michigan.gov/documents/msp/Legal_Updates_185809_7.pdf. It is Legal Update No. 86. The website will give you access to the complete list of Legal Updates previously published, including several dedicated to Firearms Laws.

Legal Update No. 86 also clarifies issues such as brandishing, transporting, Concealed Pistol License pistol free zones and possession by out-of-state residents.

AUTOMATICALLY COMPLETING CRIMINAL HISTORIES SCAO PARTNERSHIP SAVES THOUSANDS OF HOURS OF WORK

Maintaining the timeliness, accuracy, and completeness of criminal history records is a full-time job for numerous people in the Criminal Justice Information Center (CJIC), as well as many personnel in the field who send in the information necessary to construct the records.

The Automated Law Enforcement Information Access System (ALIAS) celebrated its sixth year of existence during November of this year. Since its development, ALIAS has streamlined the process for handling hundreds of thousands of fingerprint-based criminal history record checks each year. ALIAS automatically processes many routine cases and resolves issues that are identified in a matter of seconds, leaving more time for complex cases to be resolved by human intervention.

The integrity of each criminal history record is dependant on the information transmitted to CJIC. Incomplete records are brought to CJIC's attention each day as people are arrested or apply for employment. When notified of discrepancies, CJIC personnel often contact agencies in order to track down missing information related to the record.

How are records resolved that are not brought to CJIC's attention through arrests or employment? Agencies may have been faced with an auditor who requested resolution of every outstanding record for a court. This is neither an easy nor convenient process for anyone, as it is very time consuming to track down the records, resolve errors, and ensure accurate information is reported. There is an option through ALIAS that may assist in these situations by looking for open arrests and prosecutions.

An even better option would be to have the computer do the work on its own. If a court disposition is missing from the statewide database, but an agency has it in the local case management system, ideally we would like the computer to retrieve it and correct itself, clearing out the routine, but time consuming cases. Unfortunately, the computer lacks that ability, but several computers working together can achieve this concept.

The majority of the courts in the state take part in the State Court Administrative Office (SCAO) Judicial Data Warehouse (JDW). This system compiles the information from the local case management systems so that courts can share with each other and see if today's defendant has failed to mention some legal issues a few counties over. This is a valuable data source and information can appear there that no one entered on a defendant's official criminal history.

A grant from the National Criminal History Improvement Program and some of last year's budget funded the construction of an interface between ALIAS and the JDW. It is not a continuous, real-time update, however it lets CJIC and the SCAO reconcile the information that clearly relates to the same people and fill in missing court disposition information. Once the code is in place to do it once, it is easy to continue and the SCAO has offered to periodically reconcile the files.

The first reconciliation matched 99,856 dispositions to open arrests in criminal history records. Let us pause a moment to reflect on how long it would take to manually identify and correct nearly one hundred thousand records; unconceivable. One project has saved unconceivable amounts of staff time addressing the cases too complex for the computer to reconcile automatically and it will continue to pay off in future years. Fewer matches are expected in the future, as each update will now cover six months of data rather than the entire history of the JDW.

What was found as the most common error during the reconciliation project? Eighty-one percent of the time it was a guilty plea, dismissal, or *nolle prosequi*. It is likely the case was resolved quickly and someone forgot to report the outcome. It may seem like a little thing, but it happened approximately every 20 minutes for 3 years, and that left 40,000 people with incomplete records and another 40,000 with undeserved question marks on their background checks.

The automated data matching process will never replace everyday work with criminal records, however, we are glad this update will make those records that much more complete.

LEIN VIOLATION REMINDER

On average, the Law Enforcement Information Network (LEIN) Field Services Section fields over 100 potential LEIN violations annually. As a reminder, the misuse of the LEIN or information obtained from LEIN is a crime. For a first offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both. For a second or subsequent offense, the person is guilty of a felony punishable by imprisonment for not more than 4 years, or a fine of not more than \$2,000, or both.

Agencies may find specific examples of the types of violations being seen in the field beneficial in deterring actions that lead to the misuse of LEIN or LEIN information. Following is an overview of a recent case that constituted a LEIN violation, resulting in disciplinary action of a Michigan Commission on Law Enforcement Standards certified officer.

The LEIN Field Services Section received a letter from a police department regarding this case. The police department stated a citizen filed a complaint alleging that his ex-wife, who is a police department employee, and possibly another unnamed person had used LEIN to illegally obtain the citizen's driving record. The investigation showed the police department employee (ex-wife) had an appointment with a Friend of the Court (FOC) Judicial Services Officer. The FOC Judicial Services Officer asked an FOC deputy to run the citizen's driving record. The FOC deputy found that the citizen's license was suspended and relayed the information to the FOC Judicial Services Officer, who in turn told the police department employee (ex-wife). An investigation into the allegations revealed the FOC deputy violated LEIN dissemination policies.

LEIN PASSWORD SECURITY

The Criminal Justice Information Systems Security Policy requires that all users be uniquely identified by a User ID. Their passwords shall be a minimum length of eight characters on systems procured after September 30, 2005, and on all systems by September 30, 2010. All passwords shall be changed at a maximum of 90 days, and all systems procured after September 30, 2005, shall prevent password reuse of the last 10 passwords. Also, passwords shall not be a dictionary word or proper name, passwords and the user ID shall not be the same, and passwords shall not be transmitted in the clear outside the secure domain.

National Crime Information Center (NCIC) best practices also require that passwords include characters from at least three of the following classes:

Letters

- Upper case English letters
- Lower case English letters

Numerals

Special Characters

- National Characters #,\$
- Other Special Characters e.g., &,* ,%,etc.
- Note: Do not include @

Include at least four different characters - no repeats

Include at least one national character (#,\$)

Make it appear to be a random sequence of letters and numbers

Creating a new password every three months is daunting enough; add in the challenge of remembering it, and it is no surprise that password access to the Law Enforcement Information Network (LEIN) is a source of frustration for users.

Password security is critically important in maintaining the integrity of the LEIN system. However, the more unbreakable the password becomes, the harder it is for the user to remember. Below are a couple of methods and NCIC best practices to create an easy-to-remember password that will be virtually unbreakable.

1. Number substitution: Choose an eight-letter (or more) word that is easy for you to remember. (Choosing a seasonal word will help you to remember it more easily). For this example we will use "apple pie" for the word.

a. Capitalize one letter in the word. We will capitalize the first P in the second word, making our password "apple Pie";

b. Substitute a special character for vowels. Some common substitutions are:

A = @
E = 3
I = !
O = 0

When you type the substitution, don't shift up. This will change the vowel into a number in appearance. The password now reads "2ppl3 P13."

c. Add a special character at the end and our password now appears to a viewer as **2ppl3 P13***.

2. Sentence substitution: This old memorization trick comes in handy for password creation. Think of a sentence of eight words or more. We will use, "I am happy to have a job in LEIN Field Services."

a. Take the first letter of each word and underline it. "I am happy to have a job in Lein Field Services," which makes our password "iahthajilfs."

b. To make your password more difficult to break, use the special character substitution listed above by substituting a special character for vowels. Using these common substitutions, this makes our password "12hth2j1lfs."

c. Add a special character at the end to finish the process, and our password is now 12hth2j1lfs^.

The process of letter substitution takes practice but is very effective. It has been estimated that an 8 character password that includes capitalization, numbers, and special characters can take a super computer over 200 years to break, while a password that is simply an 8 letter word takes the same computer less than a day to crack.

LEGALITY OF SUPER-SHORTY FIREARM

A "Super-Shorty" firearm manufactured by Serbu Firearms, Inc. has an overall length of 16.5 inches and shoots a 12-gauge shotgun shell. The company describes it as a "short 12-gauge pump shotgun available with pistol grips." The question has arisen as to whether this is defined as a short barreled shotgun being illegal, or as a pistol and subject to Michigan License to Purchase requirements.

Attorney General Mike Cox has issued formal Opinion No. 7253 addressing this. This firearm was never manufactured or intended to be fired from the shoulder, and it has not been modified from a shotgun to its current length. Therefore, the above described firearm is a pistol and subject to MCL 28.422 and/or MCL 28.422a. Further, it is subject to all restrictions/privileges applicable to pistols and, therefore, it may be carried concealed by a person having a Concealed Pistol License.

The Attorney General's opinion summarizes with "It is my opinion, therefore, that a person in Michigan may lawfully possess a weapon that fires shotgun shells; has not been constructed from a modified shotgun; has an overall length of less than 26 inches and a barrel length of less than 18 inches, and is not designed or intended to be fired from the shoulder, if the person complies with the purchase and registration requirements for owning a pistol set forth in the Firearms Act, 1929 PA 372, MCL 28.421 et seq."

MICR TIPS

Proper Reporting of Male Rapes: If an agency reports that a victim of a forcible rape is a male, at least one of the offenders in the incident must be a female. For MICR this means that, to be able to report file class 11001 or 11002, the offender and victim must be of opposite sex. When an agency reports a rape victim and all of the offenders are the same gender, the incident should likely be reported to the MICR program as an 11003 or 11004.

Thefts from Motor Vehicles (23005): The theft of articles from a motor vehicle, whether locked or unlocked is considered a Larceny. This includes thefts from any area in the vehicle, including the trunk or glove compartment. Such items as cameras, suitcases, packages, etc., should be included.

Thefts of Motor Vehicle Parts or Accessories (23006): This is described as the theft of any part or accessory affixed to the interior or exterior of a motor vehicle in such a manner that would make the item an attachment of the vehicle. This would include motors, transmissions, radios, heaters, mirrors, tape decks, CD players, radar detectors, etc.

If you have any questions on the above tips, or any other MICR reporting questions, please contact the Crime Reporting Section at (517) 241-1704.

NEED HELP?

Criminal Justice Information Center Help

Applicant Background Check (517) 241-0606
 Fingerprints (517) 241-5708
 Enforcement Records (517) 241-1888
 FOIA (517) 241-1934
 Support Services (517) 241-1953

Criminal History Records (517) 241-0606
 Crime Reporting (517) 241-1704
 Firearms (517) 241-1917
 MiCJIN Help Desk (877) 264-2546
 Traffic Crash Reporting (517) 241-1699

How can we help? If you have ideas for future articles, please contact [Lisa Branch](#) at (517) 241-0621.

TITLE OF TOPIC INDEX/ARCHIVED EDITIONS

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