

# THE RAP SHEET

## Information from the Criminal Records Division

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## Welcome!

This issue of THE RAP SHEET gives information on a number of new programs and enhancements, as well as reminders on systems and services that have been around for some time. Many of the articles focus on quality including steps that can be taken at the input level to improve the value of information received, retained, and available for comparison and identification purposes. We are also taking steps to make access to information both more secure, while enhancing the ability for system administrators to customize access for their assigned users.

Audits being conducted by staff from the LEIN Field Services Audit and Training Unit continue to identify areas of concern and an overwhelming interest and intent by agencies to comply with policy and standards. At the conclusion of each audit, a LEIN Audit Evaluation survey is provided to the agency. Please take the time to complete that evaluation and return it either at the address or fax number provided. These evaluations play a critical role in letting us know how we are doing and what steps we can take to further refine and improve the audit process.

There is also an article in this issue regarding LEIN fees. Although not covered in that article, I would like to thank those agencies and administrators who have paid the FY 09 LEIN bill. As of close of business on Friday, February 5, only 30 Michigan police departments, 22 sheriff departments and eight dispatch centers have failed to pay. 64 percent of courts have paid, and 30 percent of prosecutors have paid. Of the 48 federal agencies, 25 state agencies, 20 educational agencies, six consortiums and for-profit agencies and 16 agencies that fall in the "Other" category, only four have failed to pay, and one of those is making payments to comply with their obligation. Those agencies who have failed to pay will be contacted in the next few weeks regarding their access to the LEIN system and/or LEIN information.

It is understood there are concerns about LEIN bills and how the fees are determined. Those concerns have been around for years. As the payments began to come in, some were accompanied by letters from law enforcement administrators who expressed their concern. As a result, a workgroup was created which included representatives from agencies who had paid their LEIN fee and expressed an interest in participation, to look at how the fees were established, and to identify changes that may make the fee structure more equitable. Due to cost savings, and at a time when budgets continue to tighten, we are pleased to report that the LEIN budget for FY 10 is lower than FY 09, with the users 1/3 share being approximately \$350,000 lower than last year. The workgroup has met and has developed recommendations that if approved, will result in smaller LEIN bills in FY 10 for all but a handful of system users. Many agencies will see reductions in excess of twenty five percent, and no agency will see an increase.

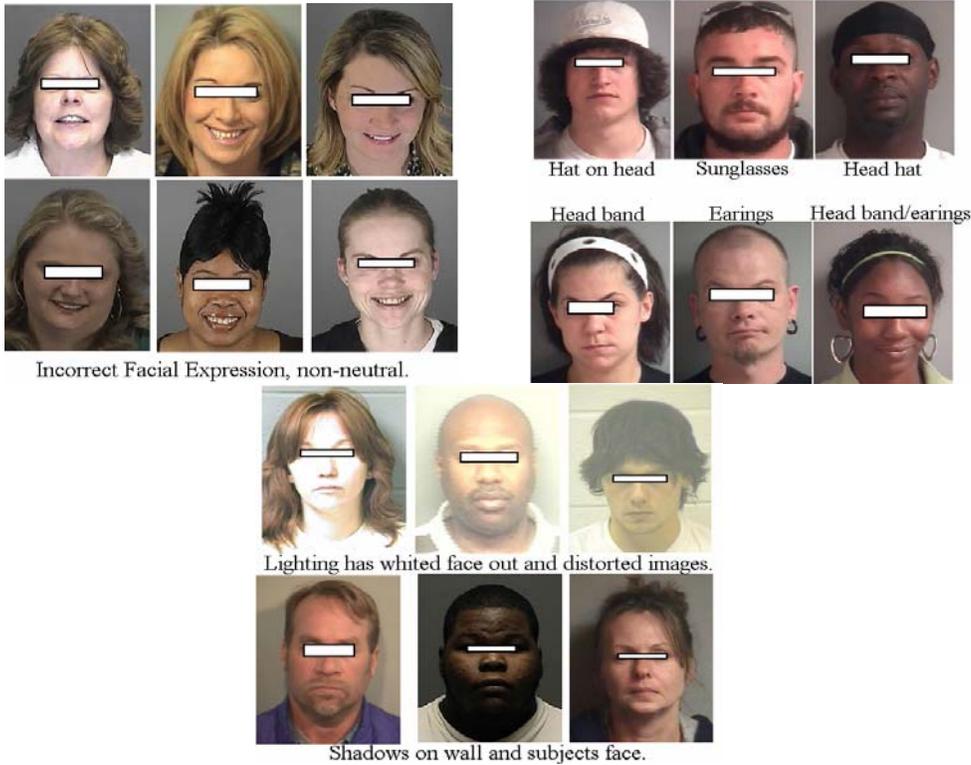
As we move into 2010, the members of the Criminal Records Division remain committed to providing complete, accurate, and timely information to the criminal justice agencies and citizens that we serve.

## MUG SHOTS/FACIAL RECOGNITION USING THE STATEWIDE NETWORK OF AGENCY PHOTOS (SNAP)

The Statewide Network of Agency Photos (SNAP) users have the ability to conduct facial recognition (FR) searches using the SNAP Program on composite sketches and images captured on unknown subjects. For an image to have a chance at success it must be a frontal face image with no obstructions. FR searches are dependant on the quality of images submitted to the arrestee database. To improve the possibility of getting a "hit" using FR, please take the time when capturing mug shots to ensure that the lighting is set up

correctly, this will prevent white outs, hot spots, or shadows on the subject's face. When possible the subject's mouth should be closed with a neutral facial expression, also if the subject is wearing glasses, one image should be captured without the glasses. If you are capturing an image of a subject wearing glasses, please check the box "with glasses" before submitting. Also, have your subject take off all accessories, earrings, hats, etc. If the only picture we have of a subject is wearing a hat, it makes it difficult to use for a compliant photo line up, and will also affect a FR search. Make each image a quality image, and treat it as if the image were being released to the public. If you have any questions about the SNAP Program, please contact [Mr. Pete Langenfeld](mailto:Mr. Pete Langenfeld) at 517-241-0727.

Examples of non-compliant mug shots:



**PROMOTING QUALITY CRIMINAL RECORDS**

The Criminal Records Division (CRD) is engaged in an effort to improve the quality of Criminal History Record (CHR) Information. We are asking for your assistance in this effort. On February 23, 2006, correspondence was mailed to all criminal justice agencies regarding the effort to improve quality. The automated process for purging incomplete records is not finalized, therefore, if an agency requires the removal of an arrest incident from the Michigan State Police Criminal History Record, please send a [request](#) for prompt attention.

Law enforcement agencies that have use of Talon may now release arrest incidents appearing on CHR that are not being prosecuted. Go to: **forms, criminal history, modify arrest to REL**. The following information must be completed: **Agency ORI, SID #, TCN #, Agency Case #, Arrest Agency ORI, hit Transmit**. This will cause the arrest segment to go from either Request for Warrant, Request for Petition or Notice to Appear to: Release No Prosecution.

**LIVE SCAN ENCRYPTION**

This day and age brings an ever changing and expanding need for additional security and additional changes to Live Scan.

In order to provide enhanced security to Live Scan transactions, the Federal Criminal Justice Information Systems (CJIS) Security Policy is requiring us to add encryption to each transaction. There are new

requirements that must be put into place to ensure each Live Scan device communicates with the Michigan Automated Fingerprint Identification System (AFIS). Part of these requirements may also require your agency to make firewall changes at the local and county level.

The protocol selected for Live Scan encryption is Secure Shell, sometimes known as Secure FTP, or SSH. It uses only one port to transfer data instead of multiple ports, as in FTP (the current method).

The MSP has worked with all three Live Scan vendors and tested each one in regards to their submission software. All three have successfully sent in Live Scan transactions using SSH. The Live Scan vendors will provide this upgrade at no charge under the maintenance agreement. The State of Michigan, Department of Information Technology (DIT) has already added rules for the use of port 22 for Live Scan to the state firewalls.

Your local network and firewall rules need to allow port 22 to be used when sending Live Scan transmissions to the MSP. Your vendor will upgrade your submission software, bringing you in compliance with the objective of transmitting encrypted Live Scan transactions.

Please configure your network for the use of SSH (port 22) for Live Scan transactions. Once your firewall(s) are configured you may want to contact your Live Scan vendor so they can schedule the upgrade. The deadline for completing these firewall changes is June 30, 2010. This should allow enough time for the Live Scan vendors to schedule the upgrades, and verify connectivity.

#### LEIN FEES FOR FY 10

Invoices for fiscal year 2010 (FY 10) general LEIN Fees were originally scheduled to go out in January 2010. In an effort to substantiate the funding formula as equitable as possible to all agencies, a workgroup has been established to review the FY 10 LEIN fees. The workgroup may look at adjusting the funding formula; however, agencies should not expect their fees to increase. The estimated time frame for issuing FY 10 invoices is now April 2010.

#### WARRANT CHECKS FOR BURGLAR ALARM AND SECURITY GUARD EMPLOYMENT

Michigan law, MCL 338.1068 requires a person applying for employment with a security guard or burglar alarm company to request a criminal history and outstanding warrant search from the Michigan State Police (MSP). No employee may work in either of these fields if there is an outstanding warrant for their arrest, pursuant to MCL 338.1056, Section 6, sub-section k.

The MSP provides a Criminal History Record (CHR) if one is located and provides either a "no warrant located" or "a possible warrant located" response. Employers must send a prospective employee to a law enforcement agency when a possible warrant response is indicated. The employer should provide the employee with MSP form [RI-135](#). This form is also available on our [website](#). Law enforcement's assistance in checking for warrants and taking necessary action based upon a valid warrant, as well completing the form is appreciated and assists in complying with statute.

If you have any questions, please contact [Mr. Bob Grounds](#) at (517) 241-0699.

#### FINGERPRINTS AND PHOTOS ARE NOW FORWARDED TO US-VISIT IDENT

Michigan is one of the first states to forward the fingerprints and photos captured at time of arrest to the US VISIT IDENT program. Michigan has been sending arrest information and fingerprints electronically to the FBI for over ten years, but on October 27, 2009, the FBI began forwarding that data on to the US VISIT IDENT system. This process started with Wayne County arrests and then will expand by a county or two at a time. Oakland and Macomb counties are expected to begin participation this spring. Meetings will be held with law enforcement agencies as they are implemented. US VISIT will compare the submitted information to their database and return a message back to the local agency. Programming for the Michigan AFIS, SNAP and Criminal History systems to handle the extra message have already begun. The only additional concern for the local agency will be to expect an additional message for each arrest submitted and handle that information appropriately.

The message from US-VISIT IDENT will also include photos.

The only authorized uses of IDENT Data Response (IDR) information by state and local law enforcement agencies are:

- To ascertain the identity of an individual detained, or in custody
- To assist law enforcement in an ongoing investigation related to the individual in custody
- As part of a law enforcement investigative case file
- For use in photographic arrays or lineups in which the individual is a suspect in the investigation or in which witness identification is being sought
- For use in any wanted posters or flyers

Any other use of IDR information is prohibited. Prohibited actions include any of the following:

- Uses, and any use other than the authorized uses listed above
- Any purpose beyond the intended use by the original collector
- Use in photographic arrays or lineups in which the subject of the IDR is not the subject of the investigation
- Data-mining purposes
- Developing a database of IDR information, including photographs in which the individual is not a subject of interest or a suspect and does not have a nexus to a crime
- Credentialing non-government employees
- Public service announcements
- Press conferences
- Educational purposes
- Crime awareness campaigns

### **Retention**

Photographs and other IDR information may be retained if the individual in question is suspected of a crime, convicted of a crime, or has a nexus to a criminal investigation. If the individual is not suspected of a crime, or has no nexus to an investigation, photographs and other IDR information may not be retained any longer than necessary to confirm the identity of the individual.

### **Dissemination**

Law enforcement agencies that retain photographs and IDR data because the individual is suspected or has a nexus to a crime may share IDR data with other law enforcement agencies associated with that case or part of a joint task force. All other law enforcement agencies requiring information contained in the IDR should submit those requests through processes established with the Departments of Justice and Homeland Security.

## **SEX OFFENDER REGISTRY (SOR) APPLICATION CONFIGURATION CHANGES**

On January 7, 2010, a change to the SOR Config link in the Administration Tool went into production. Agency administrators now have the ability of configuring a user's SOR application rights. The options available are either SOR Regular User (able to add/modify) or SOR View Only (view only, no add/modify allowed). A SOR user is required to have a configuration set in order to use the application. When assigning the SOR application to a user in the portal, please follow the steps below:

- Under the Applications tab in a user's account, choose "Assign" and move SOR to the right box. Click "OK"
- Once SOR appears in the window, click "Save". A link should now appear next to "SOR" in the applications window named "Config"
- Click the Config link
- Select a user type (SOR Regular User or SOR View Only User) and move to the right box. Click "OK"

*\*For View Only Users: The only option available in the application "Config" popup window will be SOR View Only User. This must be moved to the right for your user to utilize the SOR application.*

For the SOR Config instructions please send an [e-mail](#) with “**Admin Tool**” in the subject line. You will receive an automated response including the attachment. This email account is not checked on a 24 hour basis. For assistance, please call [Ms. Leslie Wagner](#) during business hours at the number below or the 24/7/365 MiCJIN Help Desk at (877) 264-2546. The SOR Configuration instructions are available on the SOR Community Page in the MiCJIN Portal.

For more information, please contact [Ms. Leslie Wagner](#) at (517) 241-0813.

### NEW AGENCIES TO THE MICJIN PORTAL

The MiCJIN Service Center (MSC) currently supports over 560 local law enforcement agencies, 100 MSP work sites, and 68 county clerk offices. MSP work sites and local law enforcement agencies use our Lab Case Management System (LCMS), SOR, Michigan Incident Crime Reporting (MICR), Michigan Digital Image Retrieval System (MiDIRS), Automated Pistol Registration System (APRS), and LEIN programs. County clerks use the Carry Concealed Weapon (CCW) program.

All agencies are supported by the 24/7/365 support line, (877) 264-2546.

The MiCJIN Service Center would like to welcome the following agencies to the MiCJIN portal:

Luce County Clerk	Elkton Police Department
Fairhaven Police Department	Michiana Police Department
Elsie Police Department	Capital City Regional Airport PD
Coleman Police Department	Baraga County Clerk
Onaway Police Department	Woodland Township Police Department
Owendale Police Department	Kirtland Community College DPS
Manistique Police Department	Traverse City Police Department

### PHYSICAL AND PERSONNEL SECURITY REQUIREMENTS

LEIN Auditors have noticed a number of agencies that either lack basic physical security or allow non-agency, unqualified and unauthorized personnel unescorted access to, or within the agency. The LEIN Field Services Section would like to remind agencies of the below *minimum level* of physical and personnel security requirements. Agencies may invoke more stringent policies.

- The agency must be prominently posted and separated from non-criminal justice agencies
- Every physical access point to the agency must have a physical barrier that restricts unauthorized access at all times
- The security measures must protect against unauthorized access to, or viewing of CJIS hardware, software, electronic or printed data (i.e. LEIN printouts)

Generally speaking, printed information from a CJIS system could appear anywhere in an agency. Thus, the entire agency shall be deemed a physically secure location. Refer to the Michigan and FBI CJIS Security Policies, Sections 4.4.1 and 7.2.2, for additional information.

All agency and qualified non-agency personnel with unescorted access to CJIS areas/data/network systems are required to have fingerprints checked by the MSP/FBI and have background checks completed through LEIN/NCIC. There is no “grandfather clause”. All agency employees are considered unescorted.

Applicant fingerprints need to be submitted through Live Scan using Fingerprint Reason Code “CJ” which is automatically sent to the MSP and the FBI. There is no fee. Agencies should retain the MSP and FBI AFIS responses as proof of compliance. Agencies seeking proof of compliance for fingerprints submitted more than six months ago must simply re-fingerprint the subject.

Background checks are to be completed through LEIN/NCIC and must use the appropriate Purpose Code, either J/ or C/. Refer to Michigan and FBI CJIS Security Policies, Sections 4.4.3, 4.5, and the LEIN Operations Manual, Section 11, for additional information and proper purpose code use.

Questions about fingerprinting and background check requirements should be directed to the MSP Information Security Officer, [Ms. Terri Smith](#) at (517) 241-0607.

### SUCCESS STORIES

While working an OWI grant overtime in East Lansing, two MSP Troopers conducted a traffic stop for defective equipment. The troopers detected an odor of fresh and burnt marijuana coming from the vehicle. During a pat down search of the driver, a small amount of marijuana was found and he was arrested. The backseat passenger was searched, and a large amount of marijuana and a digital scale were found. In the vehicle, a stolen 9mm Glock pistol was found next to where the backseat passenger was sitting. The backseat passenger, having lied about his identity, was identified using Live Scan. He had ten outstanding warrants including four felonies. He was charged with PWID marijuana, CCW, Felony Firearm, and Felon in Possession of a Firearm.

### NEED HELP?

#### Criminal Records Division Help

Applicant Background Check (517) 241-0606  
Fingerprints (517) 322-1956

Criminal History Records (517) 241-0606

**How can we help?** If you have ideas for future articles, please contact either [Capt. Charles E. Bush](#) at (517) 241-0602, or [Ms. Amy DeBruler](#) at (517) 241-0604.

### TITLE OF TOPIC INDEX/ARCHIVED EDITIONS

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