



LAW ENFORCEMENT INFORMATION NETWORK 2019 NCIC and NICS Audit Results

This correspondence is being distributed to authorized Law Enforcement Information Network (LEIN) user agencies to communicate the results of Michigan's 2019 National Crime Information Center (NCIC) and National Instant Criminal Background Check System (NICS) Audits.

The Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Audit Unit (CAU) is responsible for conducting triennial audits of each CJIS Systems Agency (CSA) to verify compliance with the FBI CJIS Division's policies and regulations and to ensure the integrity and reliability of information maintained in FBI CJIS systems. The audits are designed to assess NCIC and NICS policy compliance through a review of administrative policies and data quality procedures at the CSA and local agencies within the jurisdiction of the CSA. The Michigan State Police (MSP) is the CSA for the state of Michigan. For the 2019 audits, eleven local agencies were selected to participate in a local agency review, in addition to the MSP. Below is a list of the areas of non-compliance found in the Michigan audits, including the trends/findings.

1. Ensure NCIC records contain all available information.

NCIC Policy: All NCIC records must be kept accurate and up to date. Entering agencies are responsible for their accuracy, timeliness, and completeness of records. The information contained in an NCIC record is comprised of all the pertinent available information.

Findings/Trends:

- Wanted persons and protection orders contained incomplete data.

Discussion:

When a wanted person or protection order record is entered into LEIN/NCIC, the enforcing law enforcement agency is responsible to investigate and "pack" the record with all available information and identifiers to affect an arrest. All available information includes physical descriptors, alias names, etc. Every effort should be made to obtain this information, including performing Secretary of State (SOS) and criminal history queries through LEIN, and inquiries of local/jail records. Purpose code C should be used when running a criminal history query to obtain all available identifiers.

The entering agency is responsible to enter all identifier information available at the time of entry. Identifier information obtained after entry should be immediately added using a supplemental or modify transaction. In addition to "packing" the record at the time of entry, agency Terminal Agency Coordinators (TACs) must also ensure that their monthly validation of records process includes reviewing the LEIN/NCIC record and adding any newly available identifiers.

As of February 21, 2020, entering agencies have the ability to include protected person information (name, date of birth, race, sex, and social security number) on personal protection orders (PPOs). For more information, see the LEIN Training Bulletin titled "[PPO Protection Person Information](#)."

2. Ensure Extradition Limitation (EXL) field codes are correctly used.

NCIC Policy: Before entering a wanted person record in NCIC, the entering agency must attempt to determine, to the maximum extent possible, if extradition will be authorized if the individual is located in another state. In situations where an agency is certain that the wanted person will not be extradited, the individual's record may be entered in NCIC indicating no extradition, using the Extradition Limitations (EXL) field. Additionally, if there is a limitation concerning extradition of the wanted person, such information should be entered using the appropriate code in the EXL field. In instances where a law enforcement agency will not honor the extradition of an individual, the entering agency must modify the wanted person record to update the extradition limitation appropriately. Although all records may be entered into the NCIC Wanted Person File, extradition must be addressed prior to entry so that appropriate extradition information can be included in the record.

Findings/Trends:

- Wanted person records entered in NCIC with no EXL code.
- Wanted person records entered in NCIC with EXL codes 1 and A (full extradition) with contradictory limitations in the Remarks/MIS field.
- Wanted person records entered in NCIC with EXL codes 2 and B (limited extradition) with no limitations noted in the Remarks/MIS field.
- Wanted person records entered in NCIC with an EXL code indicating extradition and "NOEX" stated in the Remarks/MIS field.

Discussion:

Before entering a wanted person record in NCIC, the entering agency must attempt to determine, to the maximum extent possible, if extradition will be authorized when the individual is located in another state. Extradition is the surrender by one state to another of an individual charged with or convicted of an offense outside its own territory and within the territorial jurisdiction of the other.

When a wanted person record is entered into LEIN with the Extradite (EXT) field (scan-line 21) as YES, the wanted person record will be entered into NCIC. When a wanted person record is entered into NCIC, extradition limitations must be set in the EXL field (scan-line 24).

The six EXL codes are as follows:

EXL Code	Description
1	Felony – Full Extradition
2	Felony – Limited Extradition See MIS Field (requires data in the MIS field)
3	Felony – Extradition Surrounding States Only
4	Felony – No Extradition
5	Felony – Extradition Arrangements Pending See MIS Field (requires data in the MIS Field)
6	Felony – Pending Extradition Determination
A	Misdemeanor – Full Extradition
B	Misdemeanor – Limited Extradition See MIS Field (requires data in the MIS field)
C	Misdemeanor – Extradition Surrounding States Only
D	Misdemeanor – No Extradition
E	Misdemeanor – Extradition Arrangements Pending See MIS Field (requires data in the MIS field)
F	Misdemeanor – Pending Extradition Determination

The following guidelines should be used when entering wanted person records into NCIC:

1. EXL Codes 1 and A: Are used when an individual will be extradited from anywhere in the United States. The Remarks/MIS field should not contain information that is contradictory to full extradition.
2. EXL Codes 2 and B: The Remarks/MIS field must contain details regarding the authorized extradition.
3. EXL Codes 3 and C: Are used only when extradition is limited to states that border Michigan (Indiana, Ohio, and Wisconsin only).
4. EXL Codes 4 and D: Are used when the subject will not be extradited.
5. EXL Codes 5 and E: The Remarks/MIS field must contain information indicating from where extradition is pending.
6. EXL Codes 5, 6, E, and F: Should only be entered as temporary extradition limitations. Once extradition is determined, the record must be immediately updated to the correct EXL code.

The EXL on wanted person records should be kept accurate and be consistent with whether and how far outside of Michigan the entering agency will travel to extradite a wanted person. The EXL must also be consistent with information noted in the Remarks/MIS field.

Agency TACs must ensure to evaluate and update extradition limitations where necessary during the monthly validation process. For extraditable offenses, the Prosecutor should be contacted to review the extradition limitations.

3. Ensure purpose codes are correctly used for the Interstate Identification Index (III).

NCIC Policy: The Privacy Act of 1974 requires the FBI CJIS Division to maintain an audit trail of the purpose for each disclosure of a criminal history record (CHR) and the recipient of each record. All CHR inquiries must be supported with the correct purpose code to ensure appropriate access to the NCIC III and NICS databases.

Findings/Trends:

- Incorrect use of purpose codes C, J, and F, resulting in improper access to III

Discussion:

Purpose Codes are required for all CHR requests, using scan-line 52. The purpose code designates the purpose the CHR is being requested and determines the CHR search criteria (e.g., conviction only information, Michigan CHR only, Michigan suppressed record, etc.).

Purpose Code C

Purpose Code C is to be used for the following reasons:

1. Official duties in connection with the administration of criminal justice, including record packing.
2. Background checks on vendors, contractors, or volunteers who *are not* involved with the administration of criminal justice, but who have unescorted access to criminal justice facilities. Some examples include delivery vendors, janitors, ride-along participants, and unescorted visitors to a criminal justice facility.

Purpose code C searches Michigan CHR and NCIC III information. Please refer to the LEIN Operations Manual for a list of suppressed records automatically returned.

Purpose Code F

Purpose Code F is used for the following reasons:

1. Screening of applicants for firearms-related and explosives licenses or permits when required to be performed by a criminal justice agency pursuant to state or federal law.
2. The return of a firearms to a lawful owner.

Purpose code F searches Michigan CHR, NCIC III, and the NICS Indices. Please refer to the LEIN Operations Manual for a list of suppressed records automatically returned.

Agencies intending to perform a NICS check prior to issuing a license to purchase a pistol or returning a firearm to a lawful owner must run a criminal history query using Purpose Code F and the appropriate NICS Purpose Code in scan-line 249 (see below).

NICS Purpose Code	Description
13	Test (Tests of the NICS only)
14	Gun permit of any type.
22	Return of Handgun
23	Return of Long Gun
24	Return of Other
34	Firearm Permit Recheck/Revocation Check

Purpose Code J

Purpose Code J is used for the following reasons:

1. Criminal justice employment.
2. Conducting criminal justice employee background re-investigations that may or may not be used to issue duty weapons.
3. Background checks on vendors, contractors, or volunteers who *are* involved with the administration of criminal justice and who have unescorted access to criminal justice facilities. Some examples include personnel involved with maintenance of computer systems, data entry clerk, volunteer dispatcher, volunteers providing inmate rehabilitation services.

Purpose code J searches Michigan CHR and NCIC III information. Please refer to the LEIN Operations Manual for a list of suppressed records automatically returned.

For additional information on the topics discussed in this training bulletin, refer to the LEIN Operations Manual and NCIC Operating Manual, available on the [LEIN website](#) under Manuals, Policies, and Laws. Questions about this information may be directed to the LEIN Field Services Unit at 517-241-0667, or by email at MSPLEINFSS@michigan.gov.