



Oregon

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TO: All Agency LEDS Representatives

RE: 2012 NCIC Oregon Audit Findings

This letter provides information on some key areas identified during the 2012 NCIC Oregon Audit which must be emphasized to ensure we are all in compliance with NCIC policy. To the thirteen Oregon agencies that were audited by the FBI (for quality assurance audits), we ask that you pass on to your agency administrator our appreciation and thanks for the work and effort necessary to meet the audit requirements. Our thanks to the LEDS Representatives at these agencies goes without saying, and to those agencies that were given a bye this cycle, 2015 is just down the road. As a reminder, these audits are intended to assess and evaluate the effectiveness of the LEDS Quality Assurance Audit program. The lessons learned from this audit will be incorporated into the LEDS audit program.

The following areas were identified as areas where Oregon was determined to be out of compliance:

1. Ensure that NCIC records are validated according to policy.
2. Ensure Missing Person records, for individuals under age 21, are entered within two hours.
3. Ensure III is used only for authorized purposes. (Interstate Identification Index)
4. Ensure Extradition Limitation field codes are used appropriately.
5. Ensure the CSA programs for the clear transaction, and local agencies use the clear and cancel transactions appropriately to remove Protection Order File records from NCIC.

The specific issues identified during the audit, and the measures LEDS plans to take to rectify them will be addressed in separate paragraphs.

Ensure that NCIC records are validated according to policy. The NCIC Auditors found that three of thirteen agencies were not recontacting the court/prosecutor during validations of the Wanted Persons and Protection Order Files. Agencies were just confirming that they still had a valid copy of the warrant or protection order in their files. Validation procedures must be formalized and copies of these procedures must be on file for review during an FBI CJIS audit. Validation obliges the ORI to confirm that the record is complete, accurate and still valid. Validation is accomplished by running the person, reviewing the entry and current supporting documents and by recent consultation with any appropriate complainant, victim, prosecutor, court, or other appropriate source or individual. All persons records must be validated within 60 – 90 days of initial entry, and annually thereafter during the anniversary month of initial entry. Documentation and validation efforts must be maintained for review during audits.

As a first step, updated copies of agency validation procedures will be provided during all LEDS audits. Warrants and Protection Orders are court documents and must be validated by contacting the court. This may be accomplished by forwarding a list of warrants/orders to be validated to the court for confirmation of validity. It may also be accomplished by checking in the Oregon Judicial Information Network (OJIN), but direct contact with the court is preferred, as the question of statute of limitations (and extradition) is a court/prosecution issue. The validation process must be captured in

the warrant or protection order file, and may include a copy of documentation sent to the court, or may be as simple as the name or initials of the validator with a date entered on a form or the file jacket. The validator may also enter their name and validation date into the record. When warrants and protection orders are audited during a LEDS audit validation confirmation/documentation will be reviewed along with the other areas of timely entry and removal, accuracy and completeness.

Ensure Missing Person records, for individuals under age 21, are entered within two hours.

One of twelve agencies audited for missing juvenile records was not logging the time their officers obtained the minimum mandatory fields for entry. Two of twelve agencies audited had a total of 11 EMJ records for which they could not determine why the record entry was delayed and did not meet the two hour time limit. A missing person report filed with an agency is sufficient documentation for entering a juvenile record into NCIC.

NCIC does not distinguish between runaways and abducted or lost juveniles, the two hour time limit applies in all cases. It is important that agencies be able to show when the minimum mandatory information for entry of an EMJ is available, so the record may be entered. Dates and times are generally clear on incident reports and agencies are asked to impress upon their officers the importance of getting the information to the record entry staff as soon as possible. Agencies that rely on dispatch centers to provide LEDS/NCIC records service must ensure that officers and dispatchers work together to ensure the records are entered in a timely manner. Missing person record entry timelines are now a routine audit item for all LEDS audits, with special emphasis on EMJ records. For agencies that accept telephonic or online reports of missing person reports into their dispatch center, and then send an officer out to confirm the report, we will ask NCIC whether they consider the initial unconfirmed report to be sufficient for system entry, and advise of their response.

Ensure III is used only for authorized purposes. (Interstate Identification Index). This

shortcoming has been identified as an issue during the last five NCIC audits (over 15 years) and has numerous causes. It is a combination of unauthorized use of III and improper Purpose Code use. An additional contributing factor is the expanded access to Oregon only-background checks, for non-criminal justice agency (city or county) hiring, volunteers, licensure, and operators forgetting to enter the proper purpose code for the transaction. The instances noted by the NCIC Auditors included background checks on persons applying for sound permits, volunteer mentors working with children of incarcerated parents, applicants for city Fire Departments, search and rescue and other emergency service volunteers, taxi cab and gaming licenses, and foster parents. The bottom line is all LEDS users who run criminal histories must clearly understand the specific reason for which the criminal history information is being accessed, and must use the appropriate Purpose Codes. Additionally, except for certain agencies that have special NCIC ORIs issued, other state criminal histories and federal records available through III is never authorized for non-criminal justice agency requests.

Ensure Extradition Limitation field codes are used appropriately. This concerns those agencies that enter extraditable warrants into LEDS/NCIC, which includes all 36 County Sheriff's Offices, some County Jails or Work Centers, and several larger city Police Departments. For felony extraditable warrants, the Extradition Limitation (EXL) options are codes 1 for full extradition, 2 for limited extradition, 3 for extradition – surrounding states only, 4 for no extradition, and 5 for pending extradition. NOTE: When not specified for an EW or EW-C, LEDS automatically enters code 2 – limited extradition. For full extradition, there is no need to enter additional verbiage in the MIS field, such as "NATIONWIDE", as it is understood. When code 2 – limited extradition is entered, the agency must identify the specific states from which extradition is authorized. Code 3 – extradition surrounding states only doesn't work for all Oregon agencies due to issues with extradition from California. An extraditable warrant entered with code 4 – no extradition is improperly entered, as this is a statewide warrant, and should be entered as an SW.

LEDS expects that any issues with the EXL fields would be identified during the second party check of the original warrant entry. Initial record validation at 60-90 days after entry provides another opportunity to ensure all fields are entered correctly and the record is complete and accurate. As this area continues to be an area noted on NCIC audits and my LEDS audits, NCIC has worked with me to

provide a list of all Oregon extraditable warrants. I am going through this list as I have time and will provide lists of warrants that need to be modified to the appropriate agency LEADS Representative.

Ensure the CSA programs for the clear transaction, and local agencies use the clear and cancel transactions appropriately to remove Protection Order File records from NCIC. This is purely a LEADS programming issue and will be resolved before the next NCIC audit. The impact on agencies, and primarily Sheriff's Offices and Jails which are responsible for EPO records, will be that they will not be able to rely on the automatic purge as a means of removing the records from LEADS/NCIC based on expiration date. They will have to manually clear these records. Clearing these records will ensure that they are retained for five years in the NCIC Historical Protection Order File, and the FBI considers the information of value.

Please contact me at 503-934-0301 with any questions.

Sincerely,

Daniel S. Malin
LEADS Auditor