



Oregon

Kate Brown, Governor

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All Oregon LEDS Agencies
Attn: Agency LEDS Representatives

Re: Results of 2018 NCIC Audit/Local Agency Reviews

During the week of June 11 – 15, 2018, NCIC administered their 2018 Oregon Audit by conducting local agency reviews of the following agencies: Oregon State Police LEDS, Albany Police Department, Clackamas County Sheriff's Office, Linn County Sheriff's Office/Linn County Jail, MacLaren Youth Correctional Facility, Oregon State Board of Parole and Post-Prison Supervision, Portland Police Bureau, and the Washington County Sheriff's Office. NCIC audited a total of 200 criminal history/III checks, 66 extraditable warrant records, 67 Protection Orders, and 67 missing person case files. The auditors reviewed several other areas as well, including administration/agreements, policies, training certification and security.

Our thanks go out to all of these agencies, their LEDS Representatives and their Administrators, for hosting the NCIC Auditors, and having all of the audit documentation and files ready to audit. Special kudos must go out to the Albany Police Department, the Oregon Board of Parole & Post-Prison Supervision, and the Oregon State Police Law Enforcement Data System, as they were found to be in compliance. For those agencies that did not get to experience a federal audit, NCIC has changed their focus of their audit program, and rather than only scheduling large record volume agencies to audit, they are now including agencies with lower record counts. This means that any agency may be asked to participate in future NCIC audits, even with a low record volume.

The purpose of this letter is to identify the areas of non-compliance that were found by the NCIC auditors, and share that information with all agencies so they might learn from it. When looking at these shortcomings, please consider "How does our agency handle these issues, are we doing it correctly?" We will not identify individual agency issues of non-compliance that were noted, rather just share all of the issues.

The areas that were noted as being out of compliance are as follows:

- 1. Validation: Ensure validation procedures are followed.** (NOTE: This was a recommendation during the previous two audit cycles, so we want to emphasize this issue for users statewide). The specifics of this area of non-compliance concern agencies not reviewing the entry and current supporting documentation during the initial Wanted Persons File validations, and agencies failing to contact the courts when validating protection orders and warrants. The reason provided for not validating the warrants with the courts was the court system's manpower and funding issues. Since the courts are the originators of these orders and warrants (for the most part), just checking to see if your agency still has a valid copy of the record is not validating the record. The court must be provided a list of the orders and warrants to be validated, and they must validate them, or provide your agency with access to their electronic systems so the validity of the order or warrant may be confirmed. If the court will not cooperate, per the NCIC 2000 Operating Manual, the records will be retired and removed from LEDS NCIC. We are certain that the court Judges and County District Attorneys will work with the Court

Administration to ensure record removal does not occur. We ask that the validation lists should be shared/validated with the District Attorneys as well. This will provide them with an opportunity to consider the statute of limitations and any possible changes to the extradition limitations. For your agency, please confirm that there is a record validation policy in place (required by NCIC) and that for those records that originate in the courts, the policy includes a process where the courts assist in the validation of their records. Also, we will conduct a 100% check to confirm that every agency that enters records into NCIC has a record validation policy in place in accordance with NCIC policy.

2. **Cancel/Clear Transactions: Ensure Protection Order File records are cleared as appropriate.** As a result of the 2015 NCIC Audit, LEDS made the clear protection order (CPO) transaction available in Oregon. A protection order that is properly cleared goes into the NCIC Historical Protection Order file, and is available by query, but if they are not cleared, they are not available. LEDS made the change and made the CPO transaction available, but it was not clear that all vendors made the mask available. These are primarily Sheriff's Office records, but in those counties where the jail serves the Sheriff's Office full time or part time, there may also be an issue. For Sheriff's Offices and Jails, please check to ensure that the CPO transaction is available, and that it works by using the LEDS Training records, if you are not sure. If it does not work, please let us know so we can work with you and your vendor to make sure it is corrected. If there is any assistance we need to provide to ensure everything is in working order, please let us know. We will reach out to the agencies that were identified in the NCIC Audit with corrective instructions, and we will also conduct a 100% audit of all XPO transactions, to see if we might identify other agencies that are still using the XPO inappropriately. If we identify any, we will be in contact to ensure a correction is made.

3. **Purpose Codes: Ensure purpose codes are correctly used for III transactions.** Agencies were to found to be using purpose code incorrectly as follows:

1. C for J when running friends/relatives/associates of a criminal justice agency employment applicant.
2. C for F when running criminal history checks on concealed handgun license applicants
3. J for C when running general maintenance staff at the criminal justice agency.
4. C for J for criminal justice agency employment checks, and checks on vendors, contractors and IT personnel with access to CJIS systems.
5. J for L when running contracted tow truck drivers under the authority of a local ordinance, county code, etc.

A review of the Criminal History Chapter of the LEDS Manual, Chapter 19, Criminal History Files, and specifically the Purpose Code Table found under Section 19.5.2 provides information on all of these instances, which are discussed below.

Purpose Code F is used when the III transaction involves weapons-related background checks authorized by state law or regulation, including when criminal justice agencies issue firearms or explosives related permits, and when releasing firearms that have come into law enforcement possession. Agencies are asked to take a hard look at their applications, especially those where after you have run a criminal history in a mask with the proper purpose code, like F, your application may offer a button to actually pull the criminal history (RR by SID or FBI#), and they may be set to default on purpose code C. It may take a little more time, but if the system automatically defaults to C, you must open the RR mask and enter the information including the proper purpose code.

Purpose code J is used when the III transaction involves employment, including reserves, with a CJA or the screening of employees of other agencies over which the CJA maintains management control. It is also used when running friends, relatives and associates of a criminal justice agency applicant, as part of the pre-employment background check process. If the IT personnel with access to CJIS systems are employed by the criminal justice agency, then J is the proper code. If they are employed by the city or

county and they have access to CJIS systems at the CJA, then a management control agreement must be executed between the CJA and the IT Office, then purpose code J checks will also be appropriate. Vendors and contractors who are providing criminal justice functions or services with access to criminal justice systems/servers will also be checked under purpose code J. All persons with unescorted access to the CJIS physically secure areas will also be fingerprinted for CJIS Security.

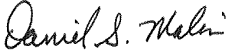
Purpose Code C, beyond it's administration of criminal justice/investigative purpose, is used for any general maintenance personnel, or vendors/contractors engaged in activities/projects that are not associated with the administration of criminal justice. If they will have unescorted access to the physically secure area, then they must also be fingerprinted and cleared for CJIS Security.

If your local governance (city, county, etc.) has adopted an ordinance or approved county code that authorizes criminal history checks to be run on contract tow truck drivers, the only purpose code authorized is L. As part of the application process, the applicant must authorize the running of a criminal history check. The check may be run by the law enforcement agency directed by the ordinance, and the agency may confirm whether the applicant meets the established criteria for licensure. Details concerning the criminal history record may not be shared with the city or county. A local or county ordinance has no authority beyond the state of Oregon, so Interstate Identification Index (III) access is not authorized.

4. **Completeness: Ensure NCIC records contain all available information:** Complete records include all critical information that was available on the person or property at the time of entry. Critical information is defined as data fields that will: 1) increase the likelihood of a positive hit on the subject or property and aid in the identification of a subject or property; or 2) assist in compliance with applicable laws and requirements. The entering agency must account for all data fields in a record and must other resources that may contain identifying factors such as driver's license numbers, State Identification Numbers (SID or FBI numbers, Social Security numbers, passport numbers, scars marks, tattoos and aliases. During initial and annual validation, any additional information that may assist in the identification of persons, the apprehension of wanted persons, recovery of missing persons, or recovery of property, must be entered into the record.

Please share this information with any LEDS user at your agency that you think might benefit from it. Providing this information to all LEDS agencies is part of the remediation response we are sharing with NCIC. We will also post it onto our website, under the Latest News link, with the title 2018 NCIC Audit Letter, and we will be sharing this information at any regional training we may offer, as well as the statewide event. Please look for our regional and statewide training events, as these are excellent forums for questions on these and any other policy topics.

Please contact me at 503 934-0301 or e-mail dan.malin@state.or.us if you have any questions.


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