



# **NORTH MIAMI POLICE DEPARTMENT**

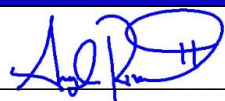
## *STANDARD OPERATING PROCEDURES*



### **FCIC-NCIC PROCEDURES 400.13**

EFFECTIVE DATE: 06-16-23

APPROVED: \_\_\_\_\_

  
Chief of Police

SUPERSEDES: 02-07-20

CFA: N/A

### **I. PURPOSE**

To establish procedures for the security, use, and maintenance of Criminal Justice Information System resources and applications in accordance with the Federal Bureau of Investigation's Criminal Justice Information Services Security Policy (available on PowerDMS), and to take appropriate action when violations occur.

### **II. POLICY**

It shall be the policy of the North Miami Police Department (NMPD) to conform to all rules and regulations as set forth by the Federal Bureau of Investigation (FBI) and the Florida Department of Law Enforcement (FDLE) governing the operational use and dissemination of information obtained through the FCIC/NCIC computer system.

### **III. SCOPE**

This policy applies to all members of the Department.

### **IV. DEFINITIONS**

- A. AM- Administrative Message
- B. CAC- CJIS Agency Coordinator
- C. CJIS- Criminal Justice Information Services
- D. CJNET- Florida Criminal Justice Network
- E. DAVID- Driver and Vehicle Information Database
- F. eAgent- FDLE Software program connecting NMPD to FCIC and NCIC

- G. FAC- FCIC Agency Coordinator
- H. FAM- Florida Administrative Message
- I. FBI- Federal Bureau of Investigation
- J. FCIC- Florida Crime Information Center
- K. FDLE- Florida Department of Law Enforcement
- L. III- Interstate Identification Index
- M. LASO- Local Agency Security Officer
- N. NCIC- National Crime Information Center
- O. nexTEST ADMINISTRATOR- System used by all operators who have direct access into FCIC/NCIC.
- P. NLETS- National Law Enforcement Telecommunications System
- Q. ORI Number- Originating Agency Identification Number
- R. PCO- Police Communication Operator

## V. USAGE

Only certified operators can utilize the FCIC/NCIC computer. Each operator must successfully complete an FCIC certification class within six (6) months of employment. Until certified, an operator must be supervised by a certified FCIC operator. Each operator must maintain certification by successfully completing an FCIC recertification, open book exam, every two years. The operator is granted full access certification. Full certification allows the user to enter, modify, or delete records, as well as make inquiries.

## VI. SECURITY

The FCIC/NCIC Criminal Justice Information System is to be used only for official business. The North Miami Police Department, as a user of FCIC/NCIC Criminal Justice Information Systems, has a signed "USER AGREEMENT" binding the North Miami Police Department to the security requirements mandated by the Department of Justice and the Florida Department of Law Enforcement. Certified individuals are expected to comply with all policies and procedures relative to all criminal justice information systems, including but not limited to FCIC, CJNET, NCIC, CCH, III files and all associated databases and applications. Improper use of information obtained from any FCIC/NCIC and/or related applications and devices may be unlawful, violate federal, state and local policies. **All employees are reminded that violations of these requirements may result in the loss of the computer systems.** Employees who violate any section of such requirements will be subject to disciplinary action, in accordance with SOP 100.06 Computer Systems.

- A. Teletype Location: The Communications Unit is a restricted area. The teletype machine is located in a separate section than other workstations. Only authorized individuals have access to the screen, printer, keyboard and other storage devices. When any visitors are in the Communications Unit, the FCIC screen will be minimized. Only those Communications Officers who are trained and certified, or in training being supervised by a certified communications officer, may access data from the terminals. All visitors to the Communications Unit must be accompanied at all times by authorized Communications personnel.
- B. Any information obtained from DHSMV (i.e., D/L checks, tag info) cannot be released to anyone other than police personnel or a criminal justice agency; other than lien information, which can be released to wrecker companies. These requests will be made through DHSMV in Tallahassee.
- C. Agency Roles and Responsibilities: The FDLE CJIS User Agreement requires an agency head to appoint designated contacts to include the following:
  - 1. CJIS Agency Coordinator (CAC) - The CAC will act as the central point of contact regarding all communications between FDLE CJIS and the User. The CAC will assist FDLE in helping facilitate discussions regarding CJIS matters between the User and FDLE. The CAC shall have User authority to ensure that all agency identified personnel, including those with decision making authority, are made aware and able to participate in all FDLE CJIS discussions that may lead to User business and policy changes. The CAC shall have the authority to appoint other User personnel to serve in other designated CJIS positions and sign the agency contact form, once the CAC has been appointed by the Chief.
  - 2. Local Agency Security Officer (LASO) - The LASO is responsible for ensuring compliance with the FBI Security Policy and any other applicable security requirements. The LASO should be knowledgeable about the technical aspects of the agency network or be able to confirm information through local technical support.
  - 3. Point of Contact – The POC is responsible for approving, and managing the agency's member requests for DAVID.

4. FCIC Agency Coordinator (FAC) - The FCIC Agency Coordinator and Alternate FCIC Agency Coordinator (Alt-FAC) ensures compliance with the Legal and Policy Requirements contained within the CJIS User Agreement, and facilitates communication between FDLE CJIS and the User regarding FCIC related matters. The FAC should be the most knowledgeable agency personnel in regards to the FCIC, NCIC, III and NLETS systems, and be available to respond during normal business hours. The FAC shall maintain a current CJIS Limited or Full Access Certification and shall have attended a FAC training class within the last five (5) years or attend FAC training within six (6) months of being assigned to the position. Agencies may designate an Alt-FAC to assist with FAC duties.

## **VII. CRIMINAL HISTORY CHECKS**

Criminal history checks can be used for criminal justice purposes only (Federal Privacy Act of 1974). Request from non-criminal justice agencies or for non-criminal justice purposes should be directed to the Florida Department of Law Enforcement.

- A. Criminal History files may be disseminated to other authorized criminal justice agencies. When any part of this information is shared with another criminal justice professional, verbally or physically, that action is considered secondary dissemination and must be documented in a secondary dissemination log. The log must include the following information:
  - The date the criminal history was released;
  - The subject (name) or the criminal history request;
  - Any numeric identifiers used to obtain the complete criminal history (FBI and/or SID numbers);
  - Who the information was released to (requestor);
  - The name of the requestor's agency;
  - Who released the information (operator?);
  - The reason the criminal history was requested (incident/case number, type of incident); and
  - The purpose code used to run the criminal history.
- B. The purpose of the secondary dissemination log is to provide an audit trail and to provide a list of all persons having access to the criminal history record. This log must be maintained for at least four years. An

audit is completed by FDLE once every three years to verify this information. Criminal History information provided to other criminal justice agencies shall only be given via police radio.

The dissemination of this information via phone or fax must be approved by a supervisor.

- C. The Police Communication's Officer shall place his/her ID number and requesting officer's name in the attention field and the control field of the eAgent for all criminal history checks and/or warrant checks for North Miami Police Officers.

The following purpose codes shall be used in the retrieval of criminal histories:

1. **Purpose Code "C"** - Criminal Justice: is used for official duties in connection with the administration of criminal justice. Here are some examples that provide a clarification of an authorized user of this code in situations that are not part of the criminal justice investigation but are duties of the agency where a criminal record is necessary for the accomplishment of the agency's task. (These examples are not all encompassing):
  - Vendors or contractors who are not involved with the actual administration of criminal justice information;
  - Volunteers;
  - Participants in community ride-along programs;
  - Confinement facility visitors; and
  - Inmates of a confinement facility.

Participants of law enforcement sponsored firearms training classes held at a public firing range that are handling firearms and individuals attending firearms training events held at the law enforcement facility.

**Purpose Code "F"** - Weapons-Related Background Checks: is used for the purpose of returning firearms to their lawful owners

**Purpose Code "J"** - Criminal Justice Employment: is used when the III/CCH transaction involves employment with a criminal justice agency or the screening of employees of other agencies over

which the criminal justice agency is required to have management control.

2. When the user is finished with the criminal history check, it should be shredded on the cross-cut shredder and not retained in case files. If the information is needed at a later date, the check can be rerun.

## **VIII.COMPUTER ENTRIES INTO FCIC/NCIC**

All entries into the FCIC/NCIC computer system will be done in a timely manner.

- A. When a report or a supplement report is submitted to Communications that requires a message be issued, the PCO will do all necessary entries and attach the computer printouts to the rear of the original copy of the report. Once the report has been reviewed and initialed by another on duty PCO, the copy of the report will be shredded, and the original printout will be scanned into the CAD and forwarded to Records.
- B. The reports will be filed by category (lost/stolen tags, stolen vehicles, etc.) and numerically by case number within the category.
- C. All wants and warrants generated by this agency are entered into FCIC/NCIC systems and upon cancellation or arrest of the subject, removed from the NCIC and FCIC computers by the Miami-Dade Police Department. Missing or endangered persons will be entered by this agency into the FCIC/NCIC computer systems. Wanted or warrant information shall only be acted upon by this agency when it is documented by teletype from the originating agency. All warrant arrests shall be accompanied by an arrest form. All messages will be cancelled by the issuing agency.

## **IX. FCIC/NCIC RETENTION SCHEDULE**

Items entered into the FCIC/NCIC system will be kept by the following retention:

Vehicles:

- Stolen vehicles entered by VIN - year of entry plus four years;
- Stolen vehicles by license plate only - 90 days;

- Abandoned/Towed vehicles - 90 days;
- Vehicle parts/Boat Parts - year of entry plus four years;
- License plates - one year after plate's expiration date;
- Non-expiring plates - year of entry plus four years;
- Felony Vehicles (vehicles wanted in conjunction with a felony) - 90 days

Persons:

- Missing persons - indefinitely or until the entering agency cancels it.
- Unidentified persons - indefinitely or until the entering agency cancels it.

Boats:

- With BHN - year of entry plus four years.
- Without BHN - 90 days.

Guns:

- Unrecovered (lost/stolen) - indefinitely.
- Recovered (found) - balance of year plus two years.

Articles:

- Balance of year plus one, with the exception of the Toxic Hazardous Material file and Public Safety, Homeland Security and Critical Infrastructure items of identification such as ID cards and/or badges, which remain on file indefinitely.

Others:

- Securities: year of entry plus four years.
- Travelers checks & money orders: year entered plus two years.

The above schedule is not all inclusive but leaves some discretion on extending retention periods based on the seriousness of the offense (i.e. homicide). However, when these circumstances arise, the Investigative Section's lead detective must make Communications aware of the situation.

## X. FCIC/NCIC CANCELLATIONS & CONFIRMATIONS

At the beginning of each month, outdated entries will be purged and all required documentation completed.

- A. FCIC/NCIC provides information on active Hit messages; however, information contained in FCIC/NCIC is a tool, and does not alone constitute probable cause for arrest or seizure. Follow-up information from the entering agency must be used to verify any Hit.

- B. **Locates:** When an agency recovers a stolen item, or apprehends a wanted or missing person or another agency, a locate must be placed on the active record. FCIC users have the ability to place requests on recovered guns (LG), articles (LA), vehicles (LV), felony vehicles (LF), vehicle parts (LK), license plates (LL), boats (LB), wanted persons (FW), missing persons (FM), and securities (LS). For correct usage of the locate format, please refer to the appropriate section of your FCIC Operations Manual.
- C. When Communications receives a Hit verification request message, the original report must be checked to ensure accurate responses to inquiring agencies. Once the message has been verified and recovery made, the PCO will cancel or clear the message.
- D. When a cancellation is made, the teletype information, if applicable, will be attached to the report. The PCO will note on the bottom of the first page whether the reporter was or was not notified, date and initial it. The report will not be sent to Records until at least three attempts to contact the reporter have been made. The report will remain in Communications no longer than the following shift. The case number will be updated in the computer "history" file showing the recovery information.
- E. Speedy confirmation of Hits must be made (confirmation of missing or stolen property means verification that the property is identical to the property in the record and the report is still outstanding):
1. Upon receipt of a Hit confirmation, the originating agency (ORI) of the record must, within ten minutes, respond to the request if it is urgent, and within one hour if it is routine. (i.e.: a positive or negative confirmation or notice of the specific amount of time necessary to confirm or reject).
  2. A requesting agency not receiving a substantive response within ten minutes for an urgent request and within one hour if it is routine should generate a second request, which is sent to the agency and FCIC automatically.
  3. If the agency generating the second request again fails to receive a substantive response within the allowed time, the agency will then automatically send a third message to the agency. This message



will automatically go to the FCIC Control Terminal for the State and NCIC-FBI.

**NOTE:** Control terminals of other states may be contacted by sending an AM message to the appropriate two letter and seven number ORI. For any department in Florida it is a FAM Message using the mnemonics of one letter and eight numbers. A requesting agency not receiving a substantive response within ten minutes for an urgent request and within one hour, if it is routine, should generate a second request to the appropriate two-character state code.

## XI. VALIDATIONS

Validations must be entered into the FCIC/NCIC for accuracy and retention. In order to maintain compliance with FCIC/NCIC, this shall be adhered to. Our procedure is to complete the validation of records into both FCIC and NCIC by the 8<sup>th</sup> of each month following the entry. The validation process preserves the integrity of the records in the FCIC/NCIC databases.

- A. Procedure: Each record of Hot Files that are entered into FCIC/NCIC by the North Miami Police Department is to be maintained to ensure authenticity and accuracy of the entry and to verify the entry is still active. When the validations are available an email notice will be sent to our agency primary and alternate Validations Application Administrator(s) and/or FCIC agency Coordinator. To access the validations software, log onto:

<http://validation.flcjin.net/validations/index.htm>

or go to CJIS Resource Center, go to links and then to Validation's software.

- B. User will log into the USER login. The software provides a list of all active records that need to be validated including guns, missing persons, vehicles, felony vehicles, articles, license plates, securities, boats, abandoned vehicles and parts. It provides various means of validating, modifying and cancelling records to avoid inaccurate entries and verification that the entry is or is not active.

Prior to validation of a record, the agency will check the entry for mistakes by comparing the Hot File entry to the original and subsequent documentation in the case file. All victims of stolen vehicles, stolen boats

and reporter of missing persons are contacted to determine if the record is still active. Once the process is completed, the entering agency must click "as is" in the validation's software and the validation checklist next to the corresponding case number. If it is determined that the entry needs to be modified, it will be completed using the proper format in the eAgent. Once the entry is corrected, "modify" will be checked off on the validation checklist and in the software next to the corresponding case number. If a record is no longer active, it will be cleared or cancelled using the proper format via eAgent. "Cancel" will be checked off the validation's checklist and in the software. A written supplement will be documented into our Tyler Industries (CAD) system when record a record is still active or modified.

- C. Guns: Once the monthly list has been printed, a copy of recovered (impounded) guns are given to the Department's Quartermaster to verify if the guns are still in our property room. Once verification of gun(s) status are made, they will be validated by using the proper status.
- D. Abandoned Vehicles: Once the monthly list has been printed, a copy of all abandoned vehicles will be faxed to the corresponding wrecker company for that month. The wrecker company will mark off which vehicles have been released and which have not. The vehicles that were released will be cleared out of the system using the proper format via eAgent. "Cancel" will be marked off on the validation's checklist and in the software next to the corresponding case number.
- E. Usage: Only FCIC/NCIC certified operators who have completed the FCIC/NCIC validation course can access the Validation Software. These operators must be designated as such by the FCIC Agency Coordinator (FAC).