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BASIC COURSE INSTRUCTOR UNIT GUIDE

36

INFORMATION SYSTEMS

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THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

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The curricula contained in this document is designed as a *guideline* for the delivery of performance-based law enforcement training. It is part of the POST Basic Course guidelines system developed by California law enforcement trainers and criminal justice educators in cooperation with the California Commission on Peace Officer Standards and Training.

GAINING INFORMATION IN AN UNAUTHORIZED MANNER

Given a word picture depicting a possible computer crime involving tampering, interfering, damaging or accessing information in an unauthorized manner by law enforcement personnel, the student will identify if a crime has occurred. (Penal Code Section 502)

Performance Objective 8.13.4

CURRICULUM

A. Penal Code Section 502, in essence, states that any person who knowingly tampers with, interferes with, damages or accesses information in an unauthorized manner from a computer information system is guilty of a crime. (felony)

B. If law enforcement personnel access or use information obtained through the computer information system outside of their normal course and scope of employment they may be in violation of this penal code section.

This includes but is not limited to:

1. Using information for personal gain
2. Giving information to unauthorized persons ·
3. Entering false information
4. Removing information from system for friends or family members

NOTE: Use examples of misuse gathered from the local media, etc., so that the student can relate directly to this information.

C. A person who violates this section is subject to criminal prosecution and civil liability as well as departmental disciplinary action.

CURRICULUM

A.   The information in the following penal code sections refer to the unlawful furnishing of **state** summary criminal history information.

1.   Text of Penal Code Section 11142: Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.

2.   Text of Penal Code Section 11143: Any person except those specifically referred to in Section 1070 of the Evidence Code who, knowing they are not authorized by law to receive the record or information obtained from a record, knowingly buys, receives or possesses the record or information is guilty of a misdemeanor.

NOTE: The instructor should provide students with examples of unlawful furnishing and receiving of state criminal history information. Examples include

-    a detective who, using her position, accessed the department computer to obtain information which was later sold to a private detective agency.

-    an officer who ran his own driving history and provided the printout to an insurance agent to initiate an insurance policy.

B.   A person who violates any or either of these sections is subject to criminal prosecution and civil liability as well as departmental disciplinary action.

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┌─────────────────────────────────────────────────────────────────────────┐
│                    RELEASE OF LOCAL CRIMINAL RECORDS                       │
│                                                                            │
│  Given a word picture depicting a possible unlawful release or, receiving  │
│  of local Criminal Offender Record Information (CORI), the student will    │
│  identify if a crime has occurred.  (Penal Code Sections 13302, 13303,     │
│  and 13304)                                                                │
│                                                                            │
│                                            Performance Objective 8.14.6    │
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CURRICULUM

A. The information in the following penal code sections refers to the unlawful furnishing of **local** summary criminal history information.

1. Text of Penal Code Section 13302: Any employee of the local criminal justice agency who knowingly furnishes a record, or information obtained from a record, to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.

2. Text of Penal Code Section 13303: Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.

3. Text of Penal Code Section 13304: Any person except those specifically referred to in Section 1070 of the Evidence Code who, knowing he is not authorized by law to receive the record or information obtained from a record, knowingly buys, receives or possess the record or information is guilty of a misdemeanor.
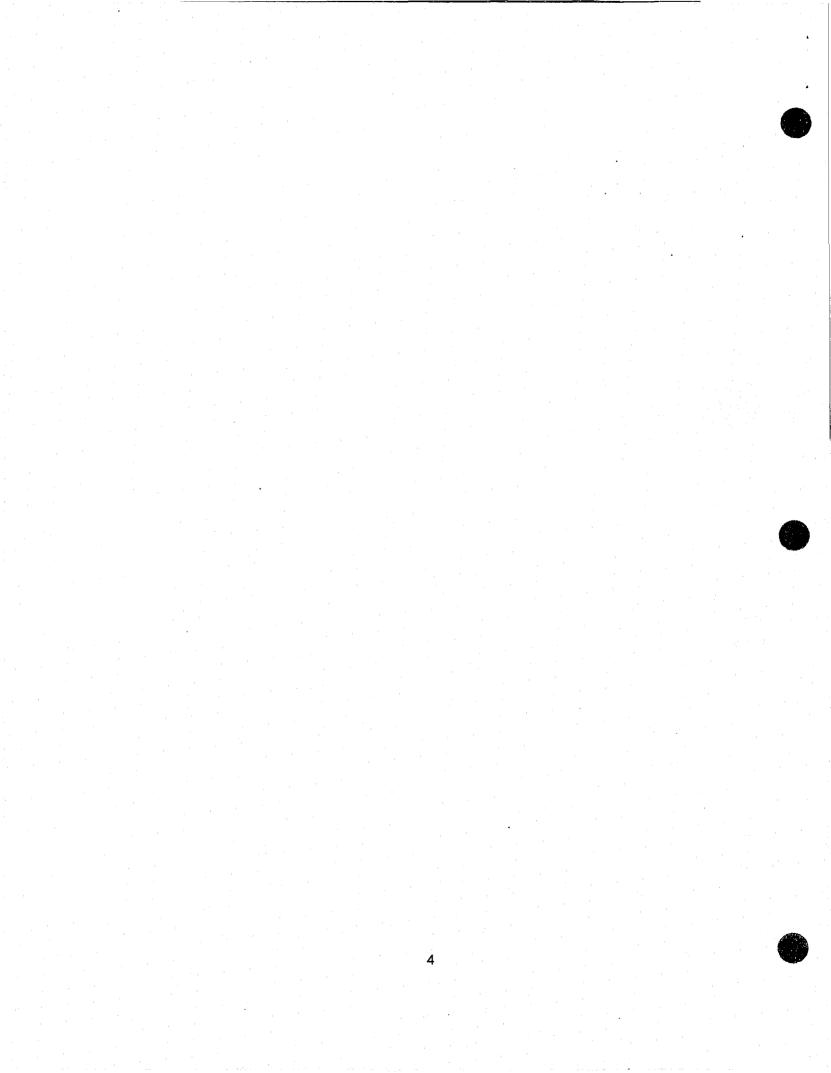
   NOTE: The instructor should provide students with examples of unlawful furnishing and receiving of local criminal history information. An example may include a situation where a chief accessed the department's automated intelligence files and obtained background information on a local political candidate and provided the information to the opponent who was the chief's friend. The chief was subsequently involved in a multimillion dollar civil law suit and lost.

B. A person who violates any or either of these sections is subject to criminal prosecution and civil liability as well as departmental disciplinary action.

C. Criminal Offender Record Information (CORI): CORI is defined in Penal Code Section 11075 as summary information relating to arrests, pretrial proceedings, sentencing information, incarcerations, parole and probation.

1. The California Department of Justice maintains summary criminal history in both manual and automated formats. The summary criminal history records are commonly referred to as "rap sheets." Data submitted on fingerprint cards, disposition of arrest and citation forms and probation flash notices create the entries on the rap sheet.

Agencies are mandated by state law to submit fingerprint cards on almost all arrests and a disposition form which shows the outcome of that arrest (Penal Code Sections 13150 and 13151). Release of California rap sheets, or information taken from the rap sheets, is governed by Penal Code Section 11105.

a. Local law enforcement agencies maintain their own summary criminal history, either on index cards or on a local computer system. The release of this local summary criminal history information is governed by Penal Code Section 13300.

b. Release of data from the Federal Bureau of Investigation (FBI) rap sheets is governed by the FBI.

2. Penal Code Section 11120-11127 allows the subject of record to obtain a copy of his/her state criminal history in order to ensure the accuracy of the record and to refute any erroneous information contained in the record.

a. The subject must complete an Application to Obtain Copy of State Summary Criminal History Record, Form BCID 8705, submit applicant fingerprint cards and a check or money order for the appropriate amount to the Department of Justice. If the subject is indigent, the fee will be waived. The department will then mail a copy of the subject's record to him.

b. If it is determined that an error exists on the record, the correction will be made within 30 days, and the department will notify everyone who received the incorrect record within the past 90 days of the correction. The applicant shall be informed that the notification has been made. Penal Code Section 13320-13326 gives the subject the right to review his local summary record that is maintained by local agencies.

c. If it is determined that an error exists in the local record, it must .be corrected within 60 days. The agency must notify all criminal justice agencies to which were furnished the incorrect record from an automated system for the past two years of the correction to the record. The agency must also furnish a list of all noncriminal justice agencies who receive the incorrect data stored in their automated system during the past two years.

d. The subject can also obtain a copy of the FBI record by contacting the Federal Bureau of Investigation.

3. The Attorney General provides a list of agencies or individuals who **shall** or **may** have access to CORI. (Penal Code Section 11079). This list is commonly referred to as the "Authorized Agency" list. Agencies are placed on this list if there is a California State law which grants them access to CORI for employment, licensing, certification, or criminal investigations. **This list should not be used to**

determine if an agency or individual should have access to an individual arrest or crime report. The release of information from these reports is covered in Government Code Sections 6251-6255.

4. Other laws related to CORI and some important court decisions include:

   11076 PC - Dissemination to authorized agencies

   11077 PC - Attorney General duties

   11078 PC - Listing of agencies to whom information is released or communicated

   11079 PC - Investigations; cooperation by agencies

   11080 PC - Right of access of information authorized by other provisions of law

   11080.5 PC - Federal parolees residing or domiciled in city or county request for information by chief of police or sheriff

   11081 PC - No access on information unless otherwise authorized by law

   11105 PC - State summary criminal history information

   11105.1 PC - State summary criminal history information; persons entitled to receive

   11142 PC - Authorized person furnishing record or information to unauthorized person-misdemeanor

   11143 PC - Unauthorized person receiving record or information; misdemeanor

   13300 PC - Furnishing to authorized persons

   13301 PC - "Record" A person authorized by law to receive a record

   13302 PC - Furnishing to unauthorized person by employee of local agency

   13303 PC - Furnishing to unauthorized person by authorized person

   13304 PC - Receipt, purchase or possession by unauthorized person

   13326 PC - Request of employee to obtain record or notification of existence of record; prohibition; violations; penalty

   6200 GC - Theft, destruction, falsification, or removal by officer

6201 GC - Theft, destruction, falsification, or removal by person other than officer custodian

DOJ Information Bulletin A-85-14-CIIB -limited criminal history information
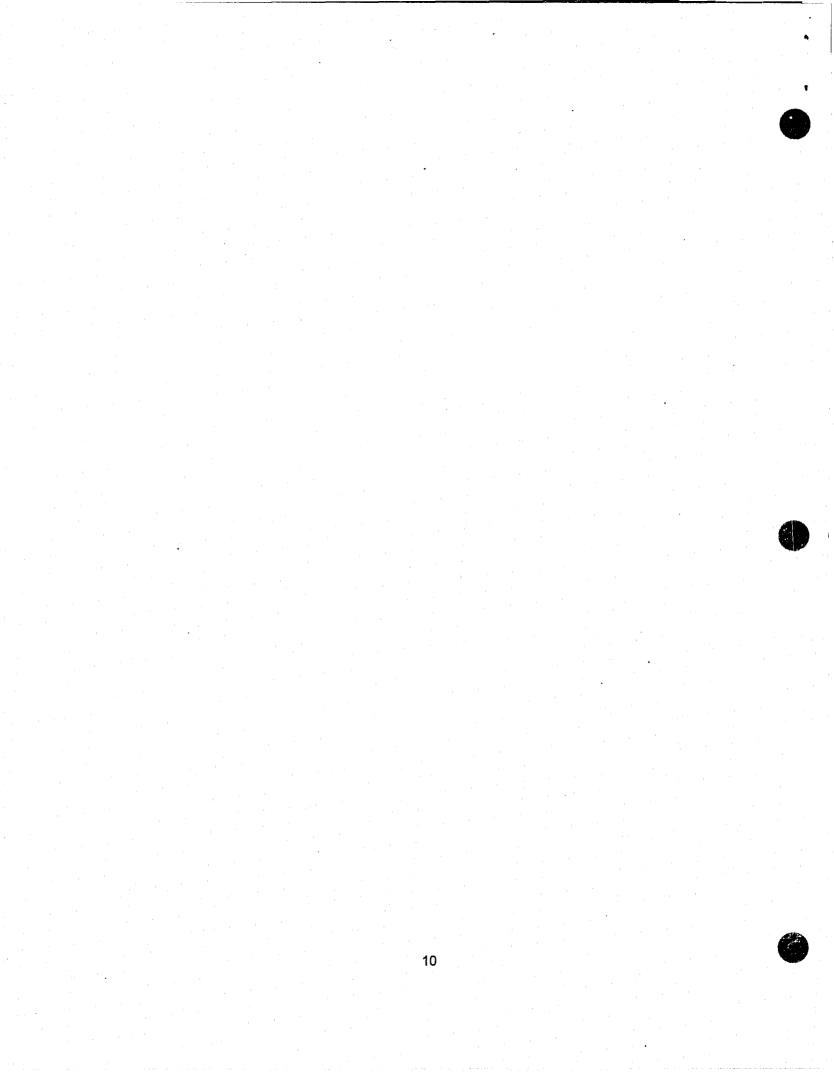
D. Criteria for accessing CORI

When releasing state or local CORI, an agency must first determine if the person or agency is authorized to receive CORI (right-to-know) and the reason the CORI is being requested (need-to-know). The agency can then determine what information can be released. If a background investigator for a law enforcement agency requests information on a peace officer applicant, for example, you could NOT give him a state rap sheet, but you would give him your local CORI. Even though the law enforcement agency is an authorized agency, its "need-to-know" would not allow your agency to furnish the state rap.

E. Policies and procedures

1. All persons hired after July 1, 1975, who have access to CORI must be fingerprinted and the prints submitted to DOJ.

2. Record checks have to be conducted on all personnel who have access to the computer system, its terminals, or the stored criminal offender record information. This includes programmers who will be working with the data.

3. Local automated systems handling CORI must be secure from unauthorized access, alteration, deletion, or release. The computer system and terminals must be located in secure areas. Noncriminal justice agencies shall not be able to access the CORI in the automated system.

F. Release of information

1. Vehicle Code Sections 20008-20012 deal with the release of information from accident reports.

2. Government Code Sections 6251-6255 govern the release of information from individual crime or arrest reports.

3. The Presiding Judge of the Juvenile Court in each county dictates who can receive the names and addresses of juveniles named in reports. This order varies from county to county. It is commonly called a TNG Order.

   a. If an agency is not certain if a report containing a juvenile's name can be released, it should contact the presiding judge of the juvenile court.

b. If an agency isn't sure if it should furnish a copy of an arrest or crime report involving an adult, the agency should contact its city or county attorney. The Criminal Records Security Unit at the Department of Justice cannot advise an agency on the release of information from local reports.

4. When CORI is destroyed, it must be destroyed in a manner that the identity is no longer legible. Shredding, burning, and recycling are accepted forms of destruction.

5. An audit trail must be maintained when CORI is furnished to another agency. The audit trail must contain the name of the person who received the information, the agency, date, what information was given, and how the information was transmitted. When agencies release information over the telephone, they should call back the agency at the public number listed for that agency. There have been many instances of unauthorized persons claiming to be employed by a criminal justice agency.

6. An audit trail must be maintained on each release of CORI from the automated system. The audit trail must be available for inspection for not less than three years. The audit trail must contain the date of release, the requesting terminal identifier, the receiving terminal identifier and what information was given. Most data systems have a computer program which logs this information.

7. The Criminal Records Security Unit conducts routine audits to ensure that criminal offender record information is used correctly. It obtains a computer printout of requests made at the agency during a specific time frame, obtains copies of the rap sheets, and verifies that the requests were made in connection with criminal investigations.

a. If misuse is discovered, it is brought to the administrator's attention. The Department of Justice requests that disciplinary action be taken and that DOJ be notified of the type of discipline. If the misuse is severe in nature, DOJ has the authority to deny that person further use of the CLETS terminal. If an agency is constantly misusing the data, DOJ has the authority to remove access by that agency to the Automated Criminal History System.

b. The Criminal Records Security Unit also handles complaints from private citizens regarding the misuse of the subject's record.

G. Ramifications of inaccuracy and misuses - liability issues

1. Local department policies and procedures.

2. Personal punitive damages paid by officer (or department).

3. Disciplinary issues at department level. "Ethics" of misuse and failing to follow standard law enforcement practices.

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│                  CONFIRMING COMPUTER INFORMATION                      │
│                                                                       │
│  Given a word picture depicting a situation in which an officer       │
│  obtains an apparent computer match to an inquiry regarding a person  │
│  or property, the student will identify whether or not confirmation   │
│  was necessary, and if so, was it obtained according to Department of │
│  Justice requirements.  The requirements are:                         │
│                                                                       │
│    A.  That efforts were made to verify the information and match     │
│        (e.g. details such as accuracy of the license plate run, date  │
│        of birth, consistency of the physical description, etc.)       │
│    B.  That the officer ensured that confirmation occurred with the   │
│        originating agency to verify that the person or property is    │
│        still wanted                                                   │
│    C.  That confirmation occurred before an arrest or before the      │
│        confiscation of property in response to the computer match     │
│                                                                       │
│                                      Performance Objective 8.14.7     │
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CURRICULUM

A. An officer who obtains an apparent computer match to an inquiry
    regarding a person or property is responsible for verifying and confirming
    the information according to Department of Justice requirements. The
    requirements are:

    1. That efforts were made to verify the information and match (e.g.
        details such as accuracy of the license plate run, date of birth,
        consistency of the physical description, etc.).

    2. That the officer ensured that confirmation occurred with the originating
        agency to verify that the person or property is still wanted.

    3. That confirmation occurred before an arrest or before the confiscation
        of property in response to the computer match.

B. Definition of confirmation: checking with the originating agency and
    determining that the person or property is still wanted by the originating
    agency and is probably the same person or property of inquiry

C. Officer responsibility to check and verify information:

    1. Example: Several states issue new license plates each year that
        duplicate plates were issued for the previous year. If the previously
        issued plate is entered as stolen, the computer will give a hit based on
        the numbers and letters matching, including the year of the stolen
        plate. The officer should verify the year on the hit with the license
        plate in question.

    2. AKA's are cross-referenced so that if a person uses another name a
        hit can be made in the system.

3. Look at physical - check details, physical, license, and car
   descriptions/descriptors

D. An officer may be held negligent for not accurately determining the facts.

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│               DISCUSSION - INFORMATION AVAILABLE, DATA REQUIRED          │
│                                                                          │
│  Given a series of simulations, scenarios, video representations, word   │
│  pictures or other sets of facts depicting incidents which involve the   │
│  need to make an inquiry into a law enforcement telecommunication        │
│  system, the student must participate in an instructor-led discussion    │
│  which addresses the type of information available from the system and   │
│  the minimum data required to obtain it.                                 │
│                                                                          │
│  The inquiries must address the following information categories:        │
│                                                                          │
│      A.   Persons                                                        │
│      B.   Vehicles/vessels                                               │
│      C.   Property                                                       │
│      D.   Firearms                                                       │
│                                                                          │
│                                            Learning Activity 13.36.01     │
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CURRICULUM

A.   General information

    1.   Systems available to most California law enforcement agencies include:

        a.   California Law Enforcement Telecommunications System (CLETS)

        b.   Criminal Justice Information System (CJIS)

        c.   National Law Enforcement Telecommunications System (NLETS)

        d.   National Crime Information Center (NCIC)

        NOTE: Instructors should modify lesson plan to explain local method of accessing CLETS.

    2.   Access to information systems

        a.   DOJ manages a message switching computer and provides communication or data circuits to one point in each county.

        b.   Many counties have developed and maintain message switching computers with data circuits to terminals located within the county.

        NOTE: Instructors should explain systems available within the local geographical area.

3. California Law Enforcement Telecommunications System (CLETS) allows law enforcement and other criminal justice agencies to obtain information from:

    a. CJIS

    b. NCIC

    c. NLETS

    d. California Department of Motor Vehicles (DMV)

    e. Administrative messages

        (1) within California

        (2) via NLETS to other states

4. Criminal Justice Information System (CJIS)

    a. Gained through CLETS

    b. Several information systems

B. Persons

1. Definition: Human: alive, dead or parts (identified or unidentified)

2. Systems

    a. Wanted Person System (WPS): A file of records pertaining to fugitives and arrest warrants

        (1) Types of warrants:

            (a) records are categorized as felony or misdemeanor

            (b) requires that the apprehended wanted person be transported by the wanting agency from anywhere in California, regardless of warrant type or bail amount

            (c) temporary want

                1) 48 to 72 hours

        (2) Types and retention periods

            (a) Various types of wants

            (b) Each type has a different retention period

    b. Stolen Vehicle System (SVS)

(1)   Wanted persons vehicle

(2)   Missing persons vehicle

c.   Automated property system (APS)

   (1)   Pawn and buy

d.   Automated firearms systems (AFS)

   (1)   Historical records

       (a)   Buy

       (b)   Consignment

       (c)   Dealer's record of sale (DROS)

       (d)   Serial number assigned

       (e)   Serial number restored

       (f)   License to carry concealed weapon

       (g)   Pawn

       (h)   Voluntary registration

       (i)   Sold at auction

e.   Master Name Index (MNI): an automated on-line file that contains the records for all subjects on file in the Bureau of Criminal Identification's criminal history files

   (1)   Automated Criminal History System (ACHS): a centralized automated system designed to provide criminal justice agencies with criminal history record (rap sheet) information

       (a)   When a CII number is preceded with an "A", there are three types of automated records available:

          1)   Last cycle

          2)   Summary

          3)   Full transcript

NOTE: All three responses contain the subject's Personal Data Record (PDR), probation and parole flags, registration data, and various elements of the criminal record.

NOTE: The CII number is the only data element allowed for an automated record inquiry.

f. Missing and Unidentified Persons Files (MUPS)

    (1) The Missing Persons File: a file of reports about missing persons received from anywhere in the world by telephone, teletype, written report, and flyer.

    (2) The Unidentified Persons File: a file of reports about unidentified persons (living and deceased) and body parts from anywhere in the world.

NOTE: Reports may include fingerprints, medical records or dental charts (if available).

NOTE: All missing and unidentified person reports are cross-checked daily and contributing agencies are notified of possible matches.

g. Automated Name Index (ANI) for Department of Motor Vehicles: a two-part Department of Motor Vehicles System contains:

    (1) Drivers license

    (2) Identification cards

    (3) Index numbers

    (4) Vehicle/vessel registration

h. Automated Management Information System (AMIS): a Department of Motor Vehicles-operated computer system which allows access of driver's license records by number

i. National Crime Information Center (NCIC): contains multiple files

    (1) Missing Persons File

    (2) Unidentified Persons File

    (3) Wanted Persons File

    (4) Foreign Fugitive File

    (5) U.S. Secret Service Protective File

    (6) Interstate Identification Index (III)

j. Oregon Law Enforcement Data System (LEDS): Allows CLETS users direct inquiry to:

    (1)   Oregon vehicle registration

    (2)   Driver's license

    (3)   Wanted persons files

k. Canadian Police Information Center: Contains files similar to NCIC and/or CJIS

3. Inquiries

a. Elements

    (1)   Inquiries may be made using:

        (a)   Subject's name (NAM)

            1)   For WPS searches, name and sex are required. Name searches are conducted using the sound alike (Soundex) system for the last name and a diminutive table for the first name, which provides for a positive response when a common variation of the first name is used in the inquiry.

            2)   NAM and DOB are required for NCIC.

            3)   In DMV, the last name is matched by the Soundex system, but the first name must be spelled exactly as it appears on the driver's license.

        (b)   Sex (SEX)

            1)   female (F)

            2)   male (M)

            3)   unknown (X)

        (c)   Date of birth (DOB)

        (d)   Age (AGE)

        (e)   CII number (CII)

        (f)   FBI number (FBI)

        (g)   Social security number (SOC)

(h) Operators license number (OLN)

(i) California Department of Corrections (CDC)

j. Youth Authority Institution's Number (INN)

k. Fingerprint classification (NCIC/Unidentified Persons)

NOTE: The Master Name Index is not to be used to run names for employment, licensing, or certification purposes.

4. Types of responses

a. No match (negative response)

b. Near miss (no exact match)

(1) The WPS computer will scan the current year plus/minus one year which results in a three-year search of the DOB field.

(2) NCIC will only respond on an exact match of the DOB.

(3) During a DOB or age search, the MNI computer searches the current year plus/minus three years.

(4) DMV will search plus/minus three years on DOB or plus/minus five years on age.

c. Positive match

(1) Caution codes associated with wants, warrants and missing persons indicate special handling of the subject and may include:

(a) Armed and dangerous

(b) Mentally disturbed

(c) Suicidal tendencies

(d) Escape risk

(e) See MISCELLANEOUS (MIS) field

(2) Last cycle response (ACHS): The last or latest available criminal arrest cycle

(3) Summary record response (ACHS): Contains the subject's PDR and criminal record in an abbreviated form

(4)   Full transcript response (ACHS): Contains all of a subject's criminal history record and is available only through the mail

(5)   Foreign Fugitive File: Contains records for persons wanted by another country for a crime that would be a felony if it were committed in the United States

NOTE: Do not arrest based upon this response. Notify originating agency.

(6)   U.S. Secret Service Protective File: Contains information on individuals who may pose a threat to a U.S. president or other protectee or criminal activity which may be related

NOTE: Do not arrest based upon this response. Notify originating agency.

C.   Vehicle/vessel systems

1.   General contents

    a.   Kinds of vehicles

Automobiles	Commercial trucks
Motorcycles	Trailers
Motor scooter	Mobile homes
Mopeds	Motor homes
Personal trucks	Construction
Farm equipment	equipment
Golf Carts	Go-Carts
Aircraft (except	Snowmobiles
model aircraft)	Amphibious vehicles

    b.   Vehicle parts: any serialized component part of a vehicle, except radios and stereo equipment which are located in the Automated Property System

    c.   Kinds of watercraft:

Boats	Rafts
Ships	Canoes
Yachts	Hydrofoils
Jet skis	Barges
Wind-powered	Motorized surfboards
surfboards	

    d.   Boat parts (any serialized component part of a boat, except radios and stereo equipment which are located in the Automated Property System).

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2.   Accessible Systems

   a.   Criminal Justice Information System (CJIS)

      (1)   Stolen Vehicle System (SVS) contains records of
            stolen/felony/stored vehicles; stolen plates; vehicle
            parts; and vehicles associated with wanted or missing
            persons

      There are various types of vehicle records used in SVS.
      Different types of records have different retention periods.

TYPE OF RECORD	MAXIMUM SVS RETENTION
Found/evidence plate	6 months
Stolen vehicle	Balance of current year plus 4 years
Stolen vehicle part	Balance of current year plus 4 years
Stolen or lost license plates	One year past the year of registrations
Wanted person vehicle	6 months
Found/evidence vehicle part	6 months
Felony vehicle	90 days
Felony license plate	90 days
Missing person vehicle	30 days
Stored vehicle	30 days
Impounded vehicle (stored vehicle with police hold)	30 days
Reported lost vehicle	30 days
Repossessed vehicle	30 days
Cleared vehicle	30 days
Located vehicle	30 days

      a.

(2)   Automated Boat System (ABS) is a file of records of boats that are stolen, lost, repossessed and stored, and boat parts that are stolen.

There are various types of boat records used in ABS. Different types of records have different retention periods.

TYPE OF RECORD	MAXIMUM SVS RETENTION
Stolen boat	Balance of current year plus 4 years
Stolen boat part	Balance of current year plus 4 years
Stored boat	30 days
Reported lost boat	30 days
Repossessed boat	30 days
Cleared boat	30 days
Located boat	30 days

b.   Automated Management Information System (AMIS)

(1)   AMIS is a Department of Motor Vehicles (DMV) operated computer system which allows immediate access and retrieval of vehicle registration and driver's license records. It contains two files; Driver's License (DL) file, and Vehicle Registration (VR) file.

NOTE: It is also possible to retrieve vehicle registration information using a person's name.

c.   National Law Enforcement Telecommunications System (NLETS)

(1)   NLETS is a computer-message switching system similar to CLETS, linking local, state, and federal agencies together for the purpose of exchanging information.

(a)   NLETS provides the capabilities for agencies to access out-of-state files including:

1)   Vehicle registration inquiry

2)   FAA/TECS Aircraft Tracking System (TECS - Treasury Enforcement Communication System)

3) FAA/TECS Aircraft Registration System (ACRS)

d. National Crime Information Center (NCIC)

   (1) NCIC is a national system similar to CJIS, AMIS and LEDS.

   (2) The NCIC computer stores a wealth of information. Included in the NCIC database are the following files:

      (a) Article file

      (b) Boat file

      (c) Vehicle file

      (d) License plate file

e. Oregon Law Enforcement Data Systems (LEDS)

   (1) The computer interface with Oregon LEDS allows CLETS users direct inquiry to the Oregon Vehicle Registration, Driver's License, Stolen Vehicle, and Wanted Persons files. The direct interface with Oregon provides CLETS users more complete information than is available from inquiries via NCIC or NLETS.

f. Miscellaneous information

   (1) A WPS (Wanted Person System) inquiry will not automatically cross-reference vehicle information. However, the vehicle information may be listed in the "miscellaneous" field of the WPS return.

3. Data retrieval

a. Inquiries into SVS may be made using the vehicle identification number (VIN), license number (LIC), engine number (ENG), or owner-applied number (OAN). VIN inquiries are forwarded to NCIC unless a match is made in SVS. ENG, or OAN inquiries without a VIN, are interpreted as VIN inquiries by NCIC.

b. Inquiries on vehicle parts should contain the brand (BRA) and category (CAT) codes in addition to the serial number (SER) or OAN in order to avoid multiple matches.

c. Inquiry Response from SVS - If no matches are made on your inquiry, you will receive a negative response. If your inquiry has been forwarded to NCIC, the response will say so and you should receive an NCIC response shortly thereafter.

When your inquiry matches a SVS record or nearly matches a SVS record, a positive response is returned to your terminal. Up to eight possible matching records may be returned.

(1)   When there is no exact match, a Near Miss response may be provided on LIC, VIN, ENG, or OAN vehicle inquiries, and on SER or OAN vehicle part inquiries. When a Near Miss response is received, make a file control number (FCN) inquiry on the Near Miss record to verify the subject of inquiry. No action should be taken on the basis of a Near Miss response. The chances are high that the Near Miss records are not about the same vehicle, part, or license plate on which the inquiry was based.

(2)   If the code NOAH (Notify ORI of All Hits) is in the Miscellaneous Field of a record, contact the ORI of the record and furnish details concerning the inquiry even if the whereabouts of the stolen vehicle, license plate, or part is not known.

(3)   Positive matches may include caution codes which have been entered to indicate special handling of the vehicle or its occupants. Caution codes include Armed and Dangerous, Hold for Latent Prints, Detain All Occupants, and others.

NOTE: Under most circumstances, a VIN should be used to inquire into the system because it is more accurate than a license plate number since license plates can be easily transferred from one vehicle to another

c.   Inquiries into ABS

    (1)   Inquiries into ABS may be made using the registration number (REG), boat hull number (BHN), engine number (ENG), or owner applied number (OAN). REG or BHN inquiries are forwarded to NCIC. ENG or OAN inquiries are forwarded to NCIC as BHN.

    (2)   Inquiries into boat parts should contain the BRA and CAT codes in addition to the SER or OAN in order to avoid multiple matches.

d.   Inquiry Response From ABS

    (1)   If no matches are made on your ABS inquiry, you will receive a negative response. If your inquiry has been forwarded to NCIC, the response will say so and you should receive an NCIC response shortly thereafter.

(2)   When your inquiry matches an ABS record or nearly matches an ABS record, a positive response is returned to your terminal. Up to eight possible matching records may be returned.

(3)   When there is no exact match, a Near Miss response may be provided on BHN, ENG, SER, or OAN boat or boat part inquiries. When you receive a Near Miss response, make FCN inquiries on the Near Miss records to verify the subject of inquiry. No action should be taken on the basis of a Near Miss response. The chances are high that the Near Miss records are not about the same boat or part on which you based your inquiry.

(4)   You may receive vehicle or vehicle part records in response to an ENG or SER inquiry.

(5)   If the code NOAH (Notify ORI of All Hits) is in the miscellaneous field (MIS) of a record, contact the ORI of the record and furnish details concerning the inquiry even if the whereabouts of the stolen boat or part is not known.

(6)   Positive matches may include Caution Codes which have been entered to indicate special handling of the boat or its occupants. Caution Codes include Armed and Dangerous, Hold for Latent Prints, and others.

e.   Vehicle/vessel registration inquiry

(1)   To obtain information from the system, the vehicle license number, vehicle identification number, an owner applied number, hull identification number, or boat registration number must be provided. A check can also be done using a person's name.

f.   Vehicle registration inquiry

(1)   To obtain information from out-of-state agencies on vehicles, boats, or snowmobiles, the vehicle license number, year of expiration, state of issuance, and type of license (passenger, commercial, etc.) must be provided. The VIN number, engine number, or owner applied number may also be used if no license number is available. Up to five states may be accessed on one message, or, if the VIN is used, up to five regions may be accessed using the Regional Broadcast Codes.

g.   FAA/TECS Aircraft Tracking System (ACTS) provides NLETS users with the capability of accessing information on the movement and location of private aircraft. In order for this to

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be accomplished, the ACTS integrates Visual Flight Rules (VFR) flight plan data from FAA Flight Service Stations (FSS) and Instrument Flight Rules (IFR) flight plan data from FAA air route traffic control centers with aircraft arrival, departure and sighting data from customs inspectors, control officers, and other federal, state, and local law enforcement agencies (via NLETS).

(1)   Agencies may query the ACTS by inquiring on:

    (a)   Registration number (with a date as an optional delimiter), or

    (b)   Data range (with aircraft type and/or ORI as optional delimiter).

(2)   A single two-character address, "FA", is used for all inquiries.

(3)   When using the registration number, the user must also include information indicating whether or not the aircraft has been sighted (SIT = Y or N) and if "Y", the Date of Sighting (DOS). If the aircraft has been sighted, an entry will be made in the tracking file along with other pertinent information from the query (i.e., DOS, ATN field, and ORI).

(4)   In all inquiries, the attention (ATN) field must be included.

(5)   Should the aircraft be the subject of a TECS record, a hit notification message will be sent to those officers having an interest in the suspect aircraft.

h.   FAA/TECS Aircraft Registration System (ACRS)

(1)   Agencies may request an aircraft registration by sending an inquiry message through NLETS. The Aircraft Registration System (ACRS) provides information about commercial and private aircraft registered with FAA. A single two-character address "FA" is used for all inquiries. Information may be requested by three different identifiers:

    (a)   Registration number (Tail #),

    (b)   Serial number (or VIN), or

    (c)   Name of Registrant.

(2)   When inquiring on the registration number, you must include information indicating whether or not the aircraft

has been sighted (SIT/<u>Y</u> or SIT/<u>N</u>) and, if yes, the Date of Sighting (DOS/mmddyy). If the aircraft has been sighted, an entry will be made in the Aircraft Tracking Database. The SIT field is <u>only</u> used on inquiries by registration number.

(3)   In all inquiries, an ATN field must be included.

(4)   Should the aircraft be the subject of a TECS record, a hit notification message will be sent to those officers on TECS who have an interest in the suspect aircraft.

(5)   Unlike registration number, both Name and Serial Number queries may generate hit lists of up to 50 matches. Person names are queried Last, First, Middle Initial; while business names are queried with spaces between each name. All name queries are soundexed with the exact matches being at the top of the hit list on multiple hits. Upon receipt of the hit list of abbreviated information on each aircraft, the user must enter another query using the registration number which is displayed on each hit list entry.

i.   NCIC is the nationwide counterpart to CJIS and is accessed in a similar manner.

j.   LEDS inquiries:

(1)   Vehicle Registration File - inquiries may be made using the vehicle license number or VIN. Boat registration records are also contained in this file. Direct access to LEDS provides complete registration information.

(2)   Stolen Vehicle File - This file contains records on stolen vehicles, parts, and plates; vehicles used in a felony; and impounded, repossessed, and missing vehicles. Inquiries may be made using the vehicle license plate number, VIN, or part number.

D.   Property systems

1.   General description

Property for the purposes of these systems is any serialized item that is stolen, lost, found, held for evidence, under observation or pawned, and bearing either manufacturer's and/or owner applied numbers.

2.   Accessible systems

a.   CJIS

(1) Automated Property System (APS) is a file of records of serialized property stolen, lost, found, held for evidence, under observation or pawned, and bearing either manufacturer's and/or owner applied numbers.

    (a) Kinds of property in APS (Listed by Code and General Category)

A - Automotive*
B - Bicycle
C - Camera
E - Equipment/Tools
H - Household Appliances
    and Related
    Items
J - Nonserialized Jewelry,
    Coins, and Precious
    Metals**
K - Stolen Credit Cards
M - Musical Instruments
O - Office Equipment

P - Personal Accessories
R - Radio, Sound Devices,
    and Stereos
S - Sports Equipment
    and Toys
T - Televisions, TV
    Games and Related
    Accessories
V - Optical Viewing
    Equipment, Telescopes,
    Binoculars, etc.
Y - Other
    Registered Livestock
    Pets, Lottery Tickets,
    etc.

*Vehicle or boat parts not included in SVS/ABS.

**This feature is not available to the field at this time.

(b) APS record types and retention periods

There are various types of property records in APS. Different types of records have different retention

TYPE OF RECORD	MAXIMUM APS RETENTION
Stolen Credit Card*	6 months
Stolen, lost, Evidence Property other than Credit Card	3 Years
Under Observation and Found Property other than Credit Card	1 Year
Pawn or Buy Property	6 months

*APS only

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3. NCIC

   a. Article File - The Article File is used to store information concerning stolen property not meeting the entry criteria for any of the other NCIC property files. Records entered in the Article File are categorized as: automotive accessories; bicycles; camera equipment; equipment not otherwise categorized (includes measuring devices and tools); household appliances; musical instruments; office equipment; personal accessories (includes badges, credentials, and jewelry); radios, televisions, and sound entertainment devices; sports equipment; and viewing equipment.

   b. Securities file - for NCIC purposes, securities are

      (1) currency (Federal Reserve Notes, Silver Certificates, U.S. Notes, Canadian Notes, etc.).

      (2) those documents or certificates which are generally considered to be evidence of debt (treasury-issued bills, bonds, and notes; municipal and corporate bonds; debentures); or ownership of property (common or preferred stock).

      (3) documents which represent subscription rights (stock .warrants, stock rights).

      (4) other types traded in securities exchanges in the United States except for commodities futures.

      (5) postal and other types of money orders.

      (6) traveler's checks.

      (7) warehouse receipts.

      (8) saving certificates.

      (9) interest coupons on stocks and bonds.

   c. Items which do not meet the criteria for entry in the Securities File are as follows: personal notes; cashier's checks; bank drafts; bank officer's checks; certified checks; personal checks; company checks; U.S. Treasury checks and other types of government checks (state and local); lost or stolen credit cards; gold or silver coins, ingots, and medals; gift certificates; and savings and checking account passbooks.

4. Data retrieval

   a. Inquiries into APS may be made using a serial number (SER) or owner applied number (OAN) and either the category

(CAT), article (ART), or brand (BRA). NCIC will not be searched unless the inquiry contains the SER or OAN, and the CAT and ART.

b. Inquiry Responses From APS: If no matches are made on your APS inquiry, a negative response will be received. If the inquiry has been forwarded to NCIC, the response will say so and an NCIC response should be received shortly thereafter.

    (1) Hit responses received will exactly match the inquiry data fields used. Up to eight possible matching records may be returned to the terminal.

    (2) Some articles may be placed, at the entering agencies' discretion, in one category or another. A negative response may require changing the CAT data field and completing another inquiry transaction.

c. Inquires into NCIC

    (1) Article files: Inquiries into this file can be done by using the CJIS Automated Property System

    (2) Securities file: An inquiry of the NCIC Securities File is made by using the type of security, serial number, and denomination. The issuer should be included for securities other than U.S. Treasury issues and currency. When all of this information is not available, an inquiry may be made by owner, owner and type, owner and Social Security number, or by Social Security number only.

d. NCIC responses will be similar to those received from CJIS.

E. Firearm systems

1. General description: A firearm is any weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by air, carbon dioxide, or the action of an explosive. Included are antique guns; cannons; machine guns; pistols; rifles; shotguns; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; destructive devices such as grenades, mines, missiles, and rockets; and disguised guns such as knife guns, pen guns, belt buckles, and can guns. BB guns are excluded and should be entered in the article file.

2. Accessible systems

a. CJIS

AFS is a file of records pertaining to the **law enforcement status** of serialized weapons - stolen, lost, found; **historical records** with names of persons associated with serialized firearms - licenses to carry concealed weapons, dealer's record of sale, pawns, and voluntary registration.

(1)   Kinds of Weapons in AFS (listed by code and type)

A - Cannon   P - Pistol
B - Submachine gun   R - Rifle
C - Rifle/shotgun   S - Shotgun
     (comb)   T - Tear gas gun
G - Grenade   V - Silencer
K - Rocket   Z - All others - weapons firearms
M - Machine gun   or firearms that cannot be
O - Mortar   described in the above types,
                           i.e., taser.

3.   NCIC

a.   Gun file

4.   Data retrieval

a.   Inquiries into AFS

Inquiries into AFS may be made using the subject's name <u>OR</u> the weapon serial number. A sound alike system, Soundex, is used for some inquiries, and only the Historical segment of AFS files will be searched. Name only inquiries will not be forwarded to NCIC.

SER-only inquiries can access the Law Enforcement segment of AFS, or both the Law Enforcement and Historical segments. SER only inquiries are forwarded to NCIC.

b.   Inquiry Response From AFS

If no matches are made on your AFS inquiry, you will receive a negative response. If your inquiry has been forwarded to NCIC, the response will say so, and you should receive an NCIC response shortly thereafter.

Care should be taken when reviewing a response to ensure that the category of the file is understood, i.e., stolen record as opposed to a DROS (Dealer Record of Sale) record.

c.   Inquiries into NCIC

Inquiries into the NCIC gun file can be done by using the CJIS Automated Firearm System.

F.   Miscellaneous systems and services

1.   Administrative messages

a.   Messages can be sent from agency to agency, agency to groups of agencies, and various other combinations via the CLETS and NLETS systems.

NOTE: This is usually an administrative action not normally done in the field. DOJ establishes specific rules regarding the content of messages (e.g., the system cannot be used to advertise training programs, for recruiting purposes, etc.)

2.   Manual files maintained by the Department of Justice which are available by contacting them directly. These files include but are not limited to

a.   Criminal history files
b.   Sex, Narcotics and Arson Registry (SNAR)
c.   Child Abuse Central Registry
d.   Weapons Control Files

NOTE: DOJ maintains over 100 manual files and welcomes inquiries.

3.   Other files contained in NLETS:

a.   Hazardous Materials File

(1)   An agency may request on-line information on hazardous materials through NLETS. The inquiry will be made on a four digit, internationally recognized code called an "UN number." This number, normally found on a placard on the vehicle, will relate directly to the hazardous material therein. The response will indicate a variety of information including:

(a)   chemical name
(b)   personal safety precautions
(c)   general handling procedures
(d)   disposal methods
(e)   degree of hazard to public safety
(f)   availability of counter-measure materials

b.   ORION (Originating agency identifier file)

c.   Help files

d.   National Center for Missing and Exploited Children (NCMEC)

e.   INTERPOL

f.   Criminal history inquiry

SUPPORTING MATERIAL

AND

REFERENCES

This section is set up as reference information for use by training institutions. These materials can be used for instruction, remediation, additional reading, viewing, or for planning local blocks of instruction. This list is not an endorsement of any author, publisher, producer, or presentation. Each training institution should establish its own list of reference materials.

TOPICAL LIST OF SUPPORTING MATERIALS AND
REFERENCES INCLUDED IN THIS SECTION

Illustrations:

CLETS Communications Network
DOJ Criminal History Systems
Criminal History Record Information
NCIC Interstate Identification Index
AFS Record Types and Retention Periods

AFS RECORD TYPES AND RETENTION PERIODS

There are two categories of records in AFS:

Law Enforcement	Historical Records
Stolen	Buy
Evidence	Consignment
Found	Dealer's Record of
Institutional	Sale (DROS)
Lost	Serial Number Registration
Under Observation	Assigned
Retain for Official Use	Serial Number Restored
Destroyed	License to Carry Concealed Weapon
	Pawn
	Voluntary Registration
	Sold at Auction

The following record types have a three-year retention period:

Evidence
Under Observation
CCW License
Pawn
Buy or Trade
Consignment
Sold at Auction

The following record types are kept on-line indefinitely or until *canceled by the entering agency:

*Found	Destroyed
*Lost	Dealer's Record of Sale (DROS)
*Stolen	Serial Number Assigned
Institutional Registration	Serial Number Restored
Retained for Official Use	Voluntary Registration

Type of Record	Type of Warrant	Maximum WPS Retention
Temporary Want		48-72 hours
Want with Warrant	Misdemeanor (M)	3 years. Can be renewed every 3 yrs.
Want with Warrant	Felony (F)	5 years. Can be renewed every 5 yrs.

ADDITIONAL REFERENCES

California Law Enforcement Telecommunications System Operating Manual, California Department of Justice

National Crime Information Center Operating Manual