



# CR NEWS

Volume 16, Number 2  
April—June 2011



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CR NEWS is published by the Texas Department of Public Safety. Comments, suggestions and mailing list updates are welcome.

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## MOBILE ID

Mobile ID is a rapid search through the FBI's fingerprint database using a minimum of two fingerprint images. DPS will soon be upgrading their existing fingerprint database to also process these types of searches. DPS anticipates being online for the Mobile ID to access DPS' fingerprints on September 1, 2011. This will allow users to quickly assess the threat level of an encountered individual. Some of the record types that Mobile ID searches against are wanted persons, sex offender registration subjects, and known or suspected terrorists.

Mobile ID responses will consist of a Red, Yellow, or Green response. A Red Response is a hit, indicating identification of a highly probable candidate and should not be considered a positive identification, but rather the high likelihood of identification. A Yellow Response is a possible hit, indicating identification of a possible candidate (or candidates) which is below the level of confidence established for a highly probable match (red response). The yellow response may thus only be used as an investigative tool providing leads for further investigative inquiries. A Green Response indicates no hit (i.e., the search did not locate a viable candidate).

The Mobile ID device should be a Subject Acquisition Profile (SAP) 30 device. SAP comes from NIST Special Publication 500-280 (Mobile ID Best Practices). This designates the appropriate device (platen/image size, quality (PIV, Appendix F, # fingerprints scanned, type of acquisition (minutia or images etc). Mobile ID search requests must be submitted over the CJIS Wide Area Network (WAN) as Multipurpose Internet Mail Extensions (MIME) encoded e-mail attachments via Simple Mail Transfer Protocol (SMTP) and should be for Criminal Justice Purposes only.

## 2011 CJIS CONFERENCE

The DPS 2011 CJIS Conference has been scheduled! It will be held on Tuesday November 29<sup>th</sup> through Thursday December 1<sup>st</sup>. It is being held at the Omni Southpark in Austin. You can find more information and register online at [www.txdps.state.tx.us/cjis](http://www.txdps.state.tx.us/cjis). We look forward to seeing you there!

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# TCIC/NCIC RECORD VALIDATION

The primary responsibility for the entry and maintenance of accurate, timely, and complete records lies with the entering agency. However, the Control Terminal Agency (CTA) assumes a large degree of administrative responsibility, and possible legal liability, for the maintenance of a criminal justice information system. Accordingly, the CTA should institute appropriate and reasonable quality assurance procedures for all federal and state System users. It appears from the cases reviewed that the courts have specifically addressed the issue as to whether criminal justice information system administrators (i.e., Control Terminal Officer [CTO], Federal Service Coordinator [FSC], or agency head) can be held liable for the negligent mishandling of a criminal justice record. In relation to Title 42, United States Code 3771, there is a standard which is prescribed for record management and, perhaps, the establishment of maintenance standards for these records. Criminal justice agencies specifically have a duty to maintain records that are accurate, complete, and up-to-date. To ensure reasonably sufficient record management, for electronic and/or hardcopy case management systems, each CTA should ensure that there are security standards, audit standards, and personnel training standards which allow accurate and up-to-date records and proper/secure dissemination of the same. The following standards have been established and approved by the CJIS APB with regard to security, audit, and training:

The Department of Public Safety is the CTA/CSA for the state of Texas. As such, DPS is responsible for distributing records due for validation to the local agencies. Validation is an essential procedure for locating inaccurate or invalid TCIC/NCIC records or for locating additional information that has become available since initial entry or since the last validation cycle. New or incorrect information can be identified by a combination of methods (including, but not limited to), as per NCIC policy:

1. Reviewing the original warrant or case report (which includes all supplemental attachments pertaining to said record),
2. Contacting the victim, complainant, courts (including prosecutors), jail/arrest files, investigators/detectives, and vehicle storage facilities,
3. Re-running TCIC information (vehicle registration, Parks and Wildlife boat registration, wanted/stolen, driver license/identification cards and CCH).

On a monthly basis, NCIC extracts active records on file for validation purposes. The validation includes a portion of each file and includes those records 60-90 days old. In addition, it includes any records 14-15 months old, 26-27 months old, 38-39 months old, etc. This file is delivered to the CSA for distribution to the originating agencies. CSA's must certify validation completion to the FBI's CJIS Division, prior to the first Sunday of the second month, following the date the validation material was made available by the FBI. The records being validated will be chosen by date of entry, Eastern Standard Time (EST) into NCIC 2000. If a CSA has not received a certification response from an agency under its service jurisdiction in time to certify to FBI CJIS that all records have been validated, the CSA shall remove from NCIC all records, except Unidentified Person Records, which are the subject of that agency's validation listing. If a CSA fails to certify any validation listing to the FBI CJIS within the specified time, FBI CJIS shall remove all of that state's/federal agency's invalidated records, except for Unidentified Person File records.

By signing and returning the validation certificate each month, you are certifying the following:

1. The records contained on the validation listing have been reviewed by the originating agencies;
2. The records which are no longer current have been removed from NCIC active database and all records remaining in the System are valid and active;
3. Records contain all available information; and
4. The information contained in each of the records is accurate.

## TCIC/NCIC RECORD ACCURACY

Second party checks, after entry, are part of TCIC/NCIC policy, which simply states:

The accuracy of NCIC records is an integral part of the NCIC System. The accuracy of a record must be double-checked by a second party.

The TCIC “sample guidelines” also state:

Double-check all data entered into a TCIC/NCIC record entry comparing any warrant or missing person reports, vehicle registration (REG), driver license (DL), and computerized criminal history database (CCH). Ensure that DL and CCH information was added, as appropriate. The second party check should include verification that the wanted person was entered into TCIC only, or TCIC and NCIC, as appropriate according to the forecast of extradition.

Common errors that should be noted by a second party check, include, but are not limited to:

- ◆ an MNU (specifically an identification card) being entered in the OLN field
- ◆ not entering all PCO (conditions) in a protection order entry
- ◆ not including distance in the miscellaneous field for protection orders
- ◆ vehicle color (VCO) and/or model (VMO) being in the miscellaneous field
- ◆ not including VMO/TL for trailer entries

During the pre-audit process, auditors will inquire into the vehicle registration, driver license and CCH databases to verify that all available information has been included in each record. Upon arrival at the agency, auditors will also compare information included on an original warrant or in a case report (including supplemental attachments) to make sure all the information contained in the agency’s local record has been included in the TCIC/NCIC entry.

Proper second party checks ensure that law enforcement officers have the most current and accurate information to aid in recovery, location and apprehension.

## IT’S IN THE MAIL, BUT WHERE?

The Department of Public Safety Headquarters Mail Room receives approximately 6,500 pieces of mail daily. Of that, one- to two-thousand pieces find their way to the Crime Records Service where a small staff is charged with opening, sorting, and routing it to one of eight Crime Records Bureaus or administrative work units.

### ***ITEMS THAT WOULD HELP TO MAKE PROCESSING MAIL MORE EFFICIENT***

1. Do not mix document types in envelopes.
2. Put more than one item in an envelope. Put about 10 or 20. Do not overstuff.
3. Please make sure that if something is to be delivered to someone or a sections attention, that it is marked on the envelope.
4. Do not send cash in with documents.
5. Crime Records envelopes are only for Crime Record documents. They should not be used for documents that go to other areas of the Department. Also, they should not be given to individuals to mail requests for background checks to be done.
6. If mailing in Sex Offender forms, please use pre-paid envelopes that state Sex Offender Unit Registration on them. If you do not have these envelopes, please write Sex Offender Unit on the envelope.
7. Do not fold individual paperwork. Make sure that all documents for each individual are stapled together and the arrest sheet, fingerprint card and any supplemental sheets are attached.

# ROLE OF THE NCIC TERMINAL AGENCY COORDINATOR (TAC)

The FBI/NCIC requires that every local agency designate one individual to function as NCIC Terminal Agency Coordinator (TAC). This person will be responsible, at his/her agency, for ensuring compliance with TCIC/NCIC policies and procedures. The person selected should be knowledgeable in **all** aspects of TCIC/NCIC use and have the authority to implement changes and oversee operations, which affect the use of TCIC/NCIC.

## RESPONSIBILITIES OF THE TAC

### ENTERING AGENCIES (1-12) / NON-ENTERING AGENCIES (1-8)

1. Ensure that the NCIC/TCIC 2000 Operating Manual, NCIC 2000 Code Manual and all CR Newsletters are current, updated and available to all operators and personnel with TCIC/NCIC access.
2. Ensure that all TLETS terminals are secure from unauthorized viewing or use.
3. Ensure that all department personnel who handle TCIC/NCIC information are fingerprinted and those fingerprints are submitted for state and national checks.
4. Ensure that all dispatchers, records, warrants, investigative personnel and others accessing the TCIC/NCIC system, or information derived from the system, are trained in the use of the terminals as well as TCIC/NCIC policies and procedures. **Maintain TCIC/NCIC training records for TCIC/NCIC/FBI Audits.**
5. Ensure that all department personnel are aware that TCIC/NCIC Computerized Criminal History (CCH) information is confidential and restrictions apply to the purposes for which it can be requested, persons authorized to request the information and how it may be disseminated.
6. Ensure that the agency has written policies regarding TCIC/NCIC related issues.
7. Advise DPS/CRS of **any** changes in your agency's TAC, Agency Administrator, address and telephone/fax numbers..
8. Ensure that the agency's NCIC ORI or "QO" file is correct and updated.
9. Ensure that all Quality Control messages from TCIC/NCIC are reviewed and corrected as soon as possible.
10. Ensure that TCIC/NCIC records are validated correctly each month and the signed certification letter is returned to the Crime Records Service/TCIC Control Center by the due date.
11. Ensure that all dispatchers/terminal operators are trained in the Hit Confirmation procedures and ensure that all original warrants, theft reports, protective orders and missing persons reports, that support all TCIC/NCIC records are available 24 hours a day 7 days a week.
12. Ensure that all TCIC/NCIC records are entered, removed and contain all available information in accordance with TCIC/NCIC policies and procedures.

## NEW CJIS SECURITY POLICY

The CJIS Security Policy version 5.0 was approved by the Advisory Policy Board (APB) in June, 2010, and subsequently approved by the Director, FBI, in February, 2011. The policy contains current requirements carried over from version 4.5 along with new requirements for agencies to implement. Please visit <http://www.txdps.state.tx.us/securityreview> to get a copy of the new policy and supporting documentation.

NOTE: The SBU classification has been removed from the policy by the FBI and it can now be made freely available to vendors and your support teams. There is no longer a password required to access this web site.

## LEGISLATIVE UPDATES

With the conclusion of the 82<sup>nd</sup> Legislative Session, we will be seeing some new changes and additions. Listed below are some of the bills that could possibly effect your reporting procedures or information that you may receive from the Department.

- ◆ HB 961 will change the automated juvenile restrictions from 21yoa to 17yoa. Currently, if a person received deferred adjudication or a conviction for a class B misdemeanor or above, they would not qualify to have their records restricted. This bill removes that level of qualification. Also, once the record is restricted it will not become unrestricted.
- ◆ SB 364 will require the Department to generate an annual report for DWI statistics relating to the number of arrests and dispositions.
- ◆ SB 407 will require a new offense relating to sexting by minors. This offense will be eligible for expunction under certain conditions.
- ◆ SB 653 will abolish the Texas Youth Commission (TYC) and Texas Juvenile Probation Commission and will now become the new Texas Juvenile Justice Department.
- ◆ HB 1994 will allow a person who enters into a first offender prostitution prevention program to receive a non disclosure order.
- ◆ HB 351 will allow an expunction relating to a person's arrest.
- ◆ SB 1241 grants county, justice and municipal courts exercising jurisdiction over juvenile truancy cases under Sec 54.021 FC to juvenile justice information.
- ◆ HB 2496 will create a teen dating violence court program and the deferral of adjudication and dismissal of certain dating violence cases.
- ◆ SB 1106 will require entities to share information as juvenile service providers and includes juvenile justice agencies, health and human service agencies, school districts, the Texas Education Agency, and local mental health authorities among others.
- ◆ SB 1356 repeals Subchapter E, Chapter 144. This eliminates the requirement for DPS to register tattoos.

In June 2011, the Governor signed HB 2131, which created a pass for expedited access to enter the Capitol building and extension. The Department of Public Safety (DPS) must conduct the same background check on an applicant for a Capitol access pass that is conducted on an applicant for a concealed handgun license. To obtain a concealed handgun license, an applicant must meet certain requirements, including showing proof of identity, residency, and having a criminal history check. Currently, the Crime Records Service (CRS) is working expeditiously to receive approval and an Originating Agency Identifier (ORI) from the Federal Bureau of Investigation (FBI). Once approval is granted and the ORI received by DPS, persons wanting consideration for an expedited pass will be able to schedule a fingerprinting appointment by contacting L1 Enrollment Services at [www.L1enrollment.com](http://www.L1enrollment.com) or 1-888-467-2080. L1 Enrollment Services is the exclusive applicant fingerprinting service for the DPS, which currently has 85 convenient locations around the state for our customers to use. Once the fingerprints are taken, identified, and processed the results will be delivered to authorized DPS personnel for review.

# TX DATA EXCHANGE (TDEx)

Meet the newest member of the TDEx team:

My name is Richard Mills. I am the newest TDEx Trainer. I come to TDEx from DPS CJIS Crime Records. I am a retired Sergeant from the Michigan State Police. As a retired criminal investigator, I look at TDEx from an entirely different perspective. TDEx is arguably the most important innovation in law enforcement since the radio was introduced in 1929. Since the 1980's we in law enforcement have played with computers in an attempt to find a practical application. In TDEx the 1's and 0's of computer code have given us enumerable possibilities to look forward to.

A few short years ago, the most recognized tool for law enforcement was a Smith and Wesson .38. Today you could argue that the most used and necessary piece of equipment in the fight against crime is the computer. Nearly every patrol car is equipped with a mobile data terminal that increases the vehicle's top speed from 120 mph to the speed of light!

TDEx is a very powerful program in the fight against crime in Texas. For the investigator it is becoming a 'one stop shopping center' for information. The needed background research that would take hours of digging through misfiled paper records can now be done in seconds. TDEx can be used to identify, locate and even clear suspects in a business that increasingly requires quick resolutions to complex crimes. The second a crime is committed a clock starts ticking. The chance of successful closure diminishes as the minutes pass. TDEx cannot stop the clock, but it will keep an investigator's research time to a minimum and can take away much of a suspect's head start.

The improvements we have seen in technology in the 21<sup>st</sup> century have created new opportunities for the criminal elements in society to victimize our citizens. New crimes such as identity theft and computer fraud now join rape, robbery and murder to threaten our 21<sup>st</sup> century population and require modern technology to properly investigate. The police officer of the future will evolve into a police technician. A police technician will need tools like TDEx to avoid being overwhelmed by a more sophisticated adversary. TDEx, AFIS and TCIC are all things that a modern police technician needs to be familiar with to combat the ever evolving criminal of the future.

Currently 591 Agencies in the state of Texas have contributed data to TDEx. During the April through June quarter we welcome 11 new agencies that have come on board sharing data. There are 7061 active users in the TDEx system. Ten years ago, if an investigator had only the nickname "Speedy" to go on, he could ask around to see if he could jog some memories. This process could take hours. As I was writing this article, I checked TDEx for anyone with the nickname "Speedy". It took 45 seconds to get 258 subjects, most having mug photos, using that handle nationwide! With changes to the Dashboard the TDEx site is much easier to navigate with the addition of drop down menus.

To become a TDEx user, log on to the following website: [www.tdex.state.tx.us](http://www.tdex.state.tx.us).

# TEN-PRINT OPERATIONS REPORT

January - May 2011

## Criminal Transactions Submitted to AFIS

The following information reflects the total number of criminal tenprint fingerprint transactions submitted to AFIS.

Number of Transactions Submitted Electronically	332,664
Number of Transactions Submitted via Hard-Card	42,288
<b>Total number of Criminal Transactions Submitted to AFIS</b>	<b>374,952</b>

## Applicant Transactions Submitted to AFIS

The following information reflects the number of applicant tenprint fingerprint transactions submitted to AFIS.

<b>Total number of Applicant Transactions Submitted to AFIS</b>	<b>264,269</b>
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## Fingerprint Supported Dispositions

The following information reflects the number of fingerprint supported dispositions submitted electronically to AFIS.

<b>Total number of Custody Transactions Submitted to AFIS</b>	<b>1,184</b>
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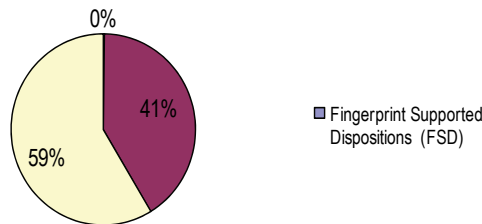
## Manually Processed Fingerprints

The following information reflects totals for fingerprint cards that were manually processed. This includes manually verified raps, and non-AFIS age group cards that were manually classed and searched.

Criminal Cards (including TDC faxes)	3,971
Applicant Cards	1,977
Deceased (known and unknown)	1,203
<b>Total number of Manually Processed Fingerprints</b>	<b>7,151</b>

## Percentages of Transactions Processed

The chart reflects the approximate overall percentages of criminal, custody, and applicant submissions processed through Crime Records.



## AFIS Database Counts

Month	Rolled Print Database	Palm Print Database	Slap Print Database
January	9,276,726	476,309	2,613,121
February	9,325,235	499,988	2,696,422
March	9,368,600	521,946	2,768,386
April	9,423,725	548,212	2,859,095
May	9,468,387	573,264	2,935,445



# DPS IDENTIFICATION SUPPLIES ORDER FORM



TO; CRIME RECORDS SERVICE  
 TEXAS DEPARTMENT OF PUBLIC SAFETY  
 PO BOX 4143  
 AUSTIN TX 78765-4143  
 FAX: 512-424-5599  
 Please furnish the following supplies

Date: \_\_\_\_\_

FORM NUMBER	DESCRIPTION	COUNT PER PKG	QUANTITY ORDERED
CR-6	DPS Applicant Card*	250 p/pkg	
CR-12	DPS Identification Supplies Order Form	100 p/pad	
CR-23	Out of State Probation/Parole Supervision Card	Single cards	
CR-26	Death Notice Form	100 p/pad	
CR-42	Request for Criminal History Check	100 p/pad	
CR-43	Adult Criminal History Reporting Form <b>with</b> Preprinted TRN and Fingerprint Card Attached*	100 p/pkg	
CR-43	Adult Criminal History Reporting Form <b>with</b> Fingerprint Card Attached*	100 p/pkg	
CR-43J	Juvenile Criminal History Reporting Form <b>with</b> Preprinted TRN and Fingerprint Card Attached*	100 p/pkg	
CR-43J	Juvenile Criminal History Reporting Form <b>with</b> Fingerprint Card Attached*	100 p/pkg	
CR-43P	Adult Probation Supervision Reporting Form <b>with</b> TRN Numbers	200 p/pkg	
CR-43P	Adult Probation Supervision Reporting Form <b>without</b> TRN Numbers	200 p/pkg	
CR-44	Adult Supplemental Court Reporting Form	100 p/pkg	
CR-44J	Juvenile Supplemental Reporting Form	100 p/pkg	
CR-44S	Adult Supplemental Court Reporting Form	100 p/pad	
CR-45	Adult DPS Fingerprint Card*	250 p/pkg	
CR-45J	Juvenile DPS Fingerprint Card*	250 p/pkg	
FD-249	FBI Arrest & Institution Fingerprint Card (Felony Card)*	500 p/pkg	
FD-258	FBI Applicant Fingerprint Card*	500 p/pkg	
FD-353	FBI Personal Identification Fingerprint Card*	500 p/pkg	
R-84	FBI Final Disposition Notice	500 p/pkg	
	Fingerprint Card Return Envelopes (For Arresting Agency Only)	100 p/box	

**\*DPS does not pre-stamp the agency ORI on any fingerprint card. Overnight services are available at ordering agency's expense.**

NOTE: Please order minimum of three weeks supply. Please submit order at least 4 weeks prior to depletion of your supplies.

NOTICE: Provide a complete shipping address (PO Box(es) are acceptable).

AGENCY NAME \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

COUNTY \_\_\_\_\_ CITY \_\_\_\_\_ STATE TX ZIP \_\_\_\_\_

ATTENTION \_\_\_\_\_ PHONE NO. (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_