

 MIDDLETON POLICE DEPARTMENT	DATE September 4, 2013	POLICY 9.1.04
	REVIEWED July 23, 2018	
SUBJECT: Criminal Justice Information Systems		

Refer to:
History: 1995, Updated 3/2004, 6/2010, 8/2012, 9/2013, 9/2014
[WILEAG \(5th Ed.\) Standards: 9.1.9](#)

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PURPOSE

This policy establishes the access to and operation of the TIME system, and Wisconsin’s Criminal Justice Information Systems.

POLICY

It is the policy of the Middleton Police Department that the Communications Center has access to local, state, and federal criminal justice information systems. Personnel shall conform to all TIME system, CIB, NCIC and department policies and procedures. All operators of the TIME System shall receive appropriate training and necessary certifications.

PROCEDURE

The TIME (Transaction Information for Management of Enforcement) System was implemented to achieve the efficient exchange of information between local, state and federal law enforcement

agencies. It provides a central point for the collection and dissemination of information of mutual concern to law enforcement agencies. Portions of the information from the TIME System are maintained for officer safety functions.

It is essential that all TIME System data entries are complete and are up to date, with strict controls on data file entries, system access, information dissemination and operator training.

This document will detail the procedures that the Middleton Police Department will follow when accessing the TIME System.

Security

The Middleton Police Department is responsible for the operation and security of the TIME System terminal and access information. To comply with the security requirement, the following controls will be followed:

- The TIME terminal will be used to send authorized and official messages only (see TIME System Manual).
 - The TIME System information will be restricted to authorized law enforcement personnel, or person(s) authorized by State Statute. (See Middleton Police Department TIME System liability agreement).
 - No TIME System data will be released for personal or monetary gain purposes.
 - The TIME System Terminal will be located in the Middleton Police Department Communication Center at a location away from public view. Unauthorized personnel will not be allowed in the dispatch area.
- A. NLETS (National Law Enforcement Telecommunications System) restrictions:
1. Only authorized criminal justice agencies/personnel can access CHRI (Criminal History Record Information).
 2. The TIME System Operator will comply with the policies and procedures set forth in the TIME System Manual and the US Department of Justice Rules and Regulations for the access, response inter-state exchange and legitimacy of criminal CHRI information.
- B. DOT (Department of Transportation) Records Restrictions:
1. The Middleton Police Department is not the custodian for DOT Records and the DOT Records will be released for law enforcement purposes only to authorized personnel and agencies.
 2. Public/Private purpose request for DOT Registration information will be forwarded to:

Wisconsin Department of Transportation
Vehicle Registration Files
PO Box 7911
Madison, WI 53707-7911

Or

Wisconsin Department of Transportation
Driver Record File
PO Box 7995
Madison, WI 53707-7995

3. Juvenile DOT Records will be disseminated according to Wisconsin Statute. This restriction releases juvenile violations of DOT regulations to the Court, City Attorney, Law Enforcement Agencies, the minor involved and the minor's parent/guardian. The use of the juvenile DOT Record will be for Middleton Police Department internal use only. The same information will not be broadcasted on Middleton or Dane County frequencies unless there is an officer safety concern involved.

C. CHRI (Criminal History Record Information) records restrictions:

1. CHRI information will be released to authorized law enforcement authorities. Purpose codes are used to access CHRI files to provide further security.
 - a. Purpose Code (C) and (J) are used by Criminal Justice Agencies for CIB (Wisconsin Crime Information Bureau) and III (Interstate Information Index) Inquiries.
 - b. Purpose Code (C) will be used for on duty law enforcement personnel to assist them with criminal activities, such as suspicious circumstances, potential arrest or actual arrest. The purpose code (C) will also be used for validation purposes.
 - c. Purpose code (J) will be used for obtaining information regarding background for prospective employees. The prospective employee would be candidates for law enforcement positions.
 - d. Purpose Code (E) will be used for CIB inquiries. This code is used for specific administrative and statutory licensing, regulation or permit responsibilities of the Middleton Police Department. Use of this (E) Code will result in Middleton Police Department being billed by CIB for the inquiry. This is the only purpose code (E) that can be used for the purpose of licensing. III will not accept purpose code (E) and III cannot be accessed for licensing information.
2. All requests for Criminal information must always have an ATTENTION LINE with the person requesting the information, whether it be the DA's Office requesting the information for charging purposes, or any officer, whether from the Middleton Police Department or any officer requesting it from other departments. Anytime any Criminal Information is requested the ID Segment must stay with the file.
3. Private person requests for their own CIB records will be forwarded to CIB in writing or by the use of form DJ-LE-250 (Identification Record Request Pursuant to 19.35 (1) & 165.82 Wisconsin Statutes) by the private persons. These forms can be picked up at the Middleton Police Department. This information is sent to the address listed at the top of the page:

Wisconsin Department of Justice
Crime Information Bureau
PO Box 2688
Madison, WI 53701-2688

- a. (See Supplement 1). Persons requesting access to their own FBI record (III) may get this information by contacting the FBI in writing, transmitting a set of their fingerprints and prepayment of the required fee.
4. As the CHRI records become a local agency record, (upon release from CIB,) the records are subject to release under the Open Records Law. CHRI records will not be maintained in case files as the records are not necessarily up to date. Identifiers obtained from CIB may be maintained in case files, but the actual criminal record may be disposed of properly (not open to public contact) once the case has been forwarded to the prosecuting attorney, or, if not forwarded; when the case is closed.
5. CHRI records obtained through III are exempt from disclosure from the Open Records Law based upon The Privacy Act of 1974. A criminal penalty is provided for "ANY PERSON WHO KNOWINGLY AND WILLFULLY REQUESTS OR OBTAINS ANY RECORD CONCERNING AN INDIVIDUAL FROM AN AGENCY UNDER FALSE PRETENSES." (See Middleton Police System Liability Agreement).

Time System Training

The Middleton Police Department Communication Center Supervisor will function as the terminal agency coordinator (TAC). The administrator will be responsible for ensuring that the Middleton Police Department Communication Center will comply with the TIME System and NCIC policy/regulations regarding TIME Terminal operation and validation requirements. To ensure compliance, the Middleton Police Department will take every possible measure to comply as follows:

- A. Certify all terminal operators as required by NCIC guidelines.
- B. Train a terminal operator or the TAC (Time Agency Coordinator) as Validation Officers.
- C. Only certified Time System Operators will serve as primary duty terminal operators.
- D. Certify all officers who operate Time terminal in relief of a TIME certified Dispatcher.
- E. Re-certify all currently certified dispatchers whenever required.
- F. All new TIME Dispatchers will read and be trained with the Operator Training Handout, until the new Dispatchers can be TIME System Certified.
- G. Primary duty assignment dispatchers will stay current of any TIME System changes by reading the TIME System Newsletter published by the State of Wisconsin Crime Information Bureau.

Time System Data File Entries

Entry of data in the TIME System will require the proper documentation to be in the possession of the dispatcher.

- A. ***Wanted Person File.*** To enter a person in the wanted person file, the dispatcher must possess a court issued warrant or have an investigation report presenting sufficient evidence to obtain a warrant; with documentation of extenuating circumstances which prevented obtaining a warrant. Any warrant received from the Court will contain a warrant fact sheet from the City's Judge indicating whether or not the City Attorney's Office will extradite and what geographical restrictions will be placed on the extradition.

1. Any intrastate, geographical, ordinance or court ordered pick up restrictions must be noted prior to warrant entry and be reflected in the entry.
- B. **Missing Person File.** The report will possess signed documentation from a source outside the Department supporting the conditions under which the person is declared missing.
1. A signed form from a parent/legal guardian confirming the missing person, along with date of birth verification will be on file.
 2. A written statement from a physical/authoritative source confirming the missing person's physical/mental disability will be on file.
 3. A written statement from a parent, legal guardian, family member, authoritative source documenting the missing person's disappearance was not voluntary or that the missing person may be in physical danger with an accompanying person will be on file. A dental record documentation for the missing person will be obtained within 30 days of the missing person entry (and kept in the file).
- C. **Stolen Property Files.** (See when to enter a data file). Property files will be reviewed through validation. The information from the files will be re-entered in the TIME System depending on: 1). The monetary value of the property, 2). The case value of the property or; 3). Crime value of the property. A follow up with documentation to support to re-entry will be attached to the case file. Property files include: Stolen Vehicles, Articles, Boats Guns, Recovered Guns, Securities.
1. Additional information regarding stolen license plates. The investigating officer will take the initial report of stolen plates with the complainant completing the stolen property forms. The investigative officer will also make sure that any plate matching the stolen plate will be removed from the victim's vehicle, and the DMV forms for plate replacement are given to the complainant and entry will not be complete until plates have been canceled through DOT, unless there is an urgent need such as: Robbery, Burglary, Murder.
- D. **When to Enter a Data File.** The dispatcher should immediately enter data files upon receipt of required documentation and minimum required data.
- E. **Data Requirements.** The dispatcher will enter as much information as is available into the data files even though not required as minimum data input. If additional information becomes available after initial entry, the record will be modified or supplemented to include the new information.
1. Any new information/updates obtained via the TIME System or another source will be retained in the case file. All Time System data entry work sheets and accompanied verifications/updates will be kept in the dispatch area.
- F. **Data Entry Quality Control.** To ensure data file accuracy, the Middleton Police Department will have each data entry examined by the requesting officer. The on duty dispatcher will provide the officer with a computer print out of the entered item/person and the requesting officer will be responsible for the review of file entries.
- G. **Documentation for Validation.** Records entered into CIB or NCIC by the Middleton Police Department will be entered/validated only with documentation from the person or

official/office responsible for the initial report. A copy of this documentation will be kept with the data file entry at dispatch.

<u>Validation Type</u>	<u>Responsible Person/Office</u>
PERSONS	
-Warrant/Wanted Persons	Court Officer, City Attorney
-Missing Person	Parent/Reporting Person
-Unidentified Person	Agency Holding Person
PROPERTY	
-Guns - Recovered	Recovering Agency
-Guns/Stolen	Victim (or Insurance)
-Boats	Victim (or Insurance)
-Security	Victim (or Insurance)
-Vehicles	Victim (or Insurance)
(Includes Plates & Parts)	
-Articles	Not subject to validation

Verification of warrant/wanted persons, missing persons or unidentified persons will be done in person, or by telephone. This validation will be completed by the TAC or validation officer.

H. **Validation Procedures.** Validations will be completed by the certified validation officer who will also be a certified TIME System Operator. Other dispatcher personnel may verify that a person or property are still wanted/missing/unidentified or stolen, but only the validation officer may validate the records.

1. The Validation Officer will perform a monthly validation for the Middleton Police Department files. He/she will pull the case files for each entry in the Time System, (for the Middleton Police), review the documentation and provide updated information to contact the complainant for follow up as necessary. (Most of the time, contact with the complainant/follow up will be done by investigators or Property Officers and the proper supplemental report filed. This contact may be made via telephone (local) or by mail correspondence (out of county). This process of validation will ensure the Middleton Police Department will have all entries currently updated/documented. Verification of property will be completed by mail, with the mailing of validation cards done on the anniversary month of entry. (i.e. January entries have validation cards mailed in January); thus allowing three (3) months for return of the card by the victim/insurance company.
2. Any CIB or NCIC entry which cannot or has not been verified by the victim, insurance company, office or official will immediately be cancelled from the system. The entry may be re-entered at a later date if verification is received after cancellation.

I. **Validation Officer.** The TAC will designate the Middleton Police Department validation officer. The validation officer will ensure the accuracy of entries into the CIB and NCIC files. (Initial, modify and supplemental information).

1. The Middleton Police Department records personnel will ensure that all case files supporting CIB/NCIC records by the Middleton Police Department will be located in the Department's file system. Case files will not be removed for any purpose from their assigned location at the Middleton Police Department.

J. **Cancellations.** TIME System entries will be cancelled by the Middleton Police Department operators when the following occurs:

1. A Locate (\$L) message is received for the entry if the message is received in lieu of a hit confirmation, a hit confirmation must be completed.
2. An emancipated Juvenile warrant (\$J) message is received for the entry. (Check with City Attorney or Court Officer to determine if the juvenile subject should be re-entered as an adult, if a new warrant is issued).
3. The Middleton Police Department is notified that the entered property has been recovered. The property does not have to be in the Department's possession and this record will be cancelled immediately.
4. The Middleton Police Department is notified that the wanted/missing person has been apprehended/located, or that a warrant has otherwise been satisfied. This file will be cancelled upon this notification even if the wanted/missing person has not been physically recovered as of yet. If the notifying agency is holding the warranted/missing person a detainer will be placed on the wanted/missing person.

K. **Purged Records.** Purged Records will not be re-entered unless there is some investigative value to re-entering the item and extending the retention period. Retention periods are as follows:

<u>Entry Type</u>	<u>Retention Period</u>
• Warrant - Felony	Indefinite
Warrant – Civil	6 years
Warrant – Service warrant	2 years
Temporary Felony Want	48 hours
Temporary Misdemeanor Want	72 hours
Juvenile	Indefinite
• Missing Juvenile	Date of Emancipation
All other missing	Indefinite
• Unidentified Person/Property	Indefinite
• Vehicle	
By Plate Number	90 days
By VIN	4 years + year of entry
Temporary Felony	90 days
License Plate	4 years + year of entry
Parts	4 years + year of entry
• Article	1 year + year of entry
• Guns/Stolen	Indefinite
Recovered	2 years + year of entry
• Boats by Registration	90 days
Boats by Hull Number	4 years + year of entry
• Securities	4 years + year of entry
Travelers checks/ Money Orders	2 years + year of entry

L. ***Canceled Records.*** Once a record has been cancelled, the print out of the TIME System cancellation will be placed in the case file at dispatch. The records should then be queried to be sure that it has indeed been canceled from the system.

1. The cancellation should be noted in the case file under the record entry data, and should note that the record was cancelled.
2. If there is no TIME System documentation in the case file explaining the reason for the cancellation, (i.e. hit confirmation to arresting agency, notice from the court, etc) the reason for cancellation for entry will be attached to the entry file by the dispatcher.

M. ***Hit Confirmation.***

1. **Hit Confirmation Request.** If a "HIT" is received on the TIME System query, the five steps of hit confirmation should be followed:
 - a. Check the computer hit against the original query.
 - b. Check with the officer at the scene for additional information to clarify the hit.
 - c. Check with the "ORI" (entering agency) to verify the entry. (10 minute rule).
 - d. Obtain hard copy from the ORI on the validity/disposition of the case (hit).
 - e. Query all identifiable data not queried originally. (i.e. social security number, owner applied number etc.) NOTE: The 10 minute rule in #3 does not mean that the ORI needs to confirm the "hit" within 10 minutes, but that they only need to acknowledge your message and let you know approximately how much time it will take to verify the "hit".
2. **Hit Confirmation Responses.** When a request for hit confirmation is received, it is required that a response be completed within 10 minutes. This response does not have to contain the actual hit confirmation, but must at a minimum contain acknowledgement of the hit confirmation request and the approximate amount of time to confirm the hit.
 - a. The dispatcher receiving the hit will retrieve the entry file involved from the CIB/NCIC records at dispatch and check the information to ensure that the entry is valid. If the entry is a felony, the dispatcher will make sure that the requesting agency is within the extradition area specified, or within any other area of the pick up specified by the entry. The dispatcher will then advise the requesting agency of the validity of the hit and request information of that agency as to what they will be doing with the person/property. NOTE: If bond is posted for a person on a warrant, (not a body attachment or commitment, the Middleton Police Department must provide the defendant with a court date).
 - b. Once the hit has been confirmed and the contacting agency advises that they have the person/property in custody, the original entry will be cancelled. If the hit involves a person and the contacting agency will also be holding the person on their charges, the entry will still be cancelled and an administrative message will be sent to the holding facility advising that

the Middleton Police Department requests the person be held for pick up upon resolution of local charges.