



## **LAW ENFORCEMENT INFORMATION NETWORK 2016 National Crime Information Center (NCIC) Audit**

This correspondence is being distributed to authorized Law Enforcement Information Network (LEIN) user agencies to communicate the results of Michigan's 2016 NCIC Audit.

The Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Audit Unit (CAU) is responsible for conducting triennial audits of each CJIS Systems Agency (CSA) to verify compliance with the FBI CJIS Division's policies and regulations and to ensure the integrity and reliability of information maintained in FBI CJIS systems. The audit is designed to assess NCIC policy compliance through a review of administrative policies and data quality procedures at the CSA and local agencies within the jurisdiction of the CSA. The Michigan State Police (MSP) is the CSA for the state of Michigan. As part of the 2016 audit, eight local agencies were selected to participate in a local agency review, in addition to the MSP. Below is a list of the areas of non-compliance found in the Michigan audit, including the trends/findings.

### **Ensure Missing Person records, for individuals under 21, are entered within two hours.**

*NCIC Policy:* A record for a missing person who is under the age of 21 must be entered into NCIC within 2 hours of receipt of the minimum data required to enter an NCIC record.

#### Findings/Trends:

- Delayed entries, not compliant with Adam Walsh Act/Suzanne's Law

*Discussion:* The Adam Walsh Act, in combination with Suzanne's Law, requires the entry of any missing person under the age of 21 into NCIC within 2 hours of obtaining the minimum amount of data necessary to enter the record. The minimum data required for entry includes: name, race, sex, date of birth, height, weight, eye color, hair color, date of last contact, case number, and pick-up radius. When taking a missing person complaint, agencies should document the time this minimum information is obtained.

Suzanne's law also prohibits agencies from establishing or maintaining any policy that requires the observance of any waiting period before accepting a missing child (individual under age 21) or unidentified person report.

### **Ensure Protection Order records are "cleared" or "cancelled," as appropriate.**

*NCIC Policy:* When a court notifies the owner of the protection order record that the protection order is no longer active or valid, the protection order record must be cleared. When a

protection order is entered in error, or has been expunged, the protection order record must be cancelled.

Findings/Trends:

- All LEIN Cancel Personal Protection Order (CPPO) transactions trigger an automatic NCIC clear protection order transaction.

*Discussion:* Due to the differences between LEIN and NCIC, understanding this issue can be confusing. When a protection order is cancelled in NCIC, all traces of the record are removed from the NCIC system. When a protection order record is cleared in NCIC, the inactive record is retained in the NCIC archives and remains available for direct queries of the NCIC protection order file. As indicated above, however, the LEIN CPPO transaction automatically sends the NCIC clear protection order transaction, no matter the reason for the removal of the record.

To remedy, LEIN Field Services is pursuing a programming change that will allow the record owner, when sending the CPPO transaction, to distinguish whether the protection order record was entered in error or was expunged by the court. This distinction would programmatically send the appropriate NCIC clear or cancel transaction. LEIN Field Services is planning for this programmatic change to be available in the next few months.

Until the LEIN programming enhancement is implemented, agencies needing a protection order cancelled from NCIC should contact the LEIN Control Terminal via administrative message to MI3300203, or email [MSPLEINFSS@michigan.gov](mailto:MSPLEINFSS@michigan.gov).

Questions about this information may be directed to Ms. Cari VanDouser of LEIN Field Services at 517-284-3283 or [vandouser1@michigan.gov](mailto:vandouser1@michigan.gov), Ms. Liz Canfield of LEIN Field Services at 517-284-3103 or [canfielde@michigan.gov](mailto:canfielde@michigan.gov), or email [mspleinfss@michigan.gov](mailto:mspleinfss@michigan.gov).